

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CHERYL BISHOP,

Plaintiff,

v.

WILLIAM P. BARR, ATTORNEY  
GENERAL, DEPARTMENT OF JUSTICE,  
ALCOHOL, TOBACCO, FIREARMS &  
EXPLOSIVES AGENCY,

Defendants.

No.

COMPLAINT

JURY TRIAL REQUESTED

Plaintiff Cheryl Bishop alleges as follows:

**I. NATURE OF CASE**

1.1 This is an action for damages, and declaratory and injunctive relief to remedy and prevent racial harassment, discrimination, and retaliation against ATF Supervisor Cheryl Bishop. She brings this action under Title VII of the Civil Rights Act of 1964.

**II. ADMINISTRATIVE EXHAUSTION**

2.1 Plaintiff filed her formal individual complaint, numbered ATF-2020-00774 by ATF, with the Defendant more than 180 days ago. No hearing has been scheduled. An appeal has not been filed and a final action has not been taken, so Plaintiff has the right to file this civil action in court.

### III. JURISDICTION AND VENUE

3.1 This Court has subject matter jurisdiction over Plaintiff's claims under 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a).

3.2 The Court has personal jurisdiction over Defendant within the Western District of Washington.

3.3 Venue is proper in the Western District of Washington because a substantial part of the events complained of occurred in this District, the Plaintiff resides in this District, and the Plaintiff is assigned by Defendant to perform her duties for the Defendant in its offices located in this District. *See* 28 U.S.C. § 1391.

### IV. PARTIES

4.1 Plaintiff Cheryl Bishop is an individual residing in Seattle, WA. She is African-American. Since July 2013, she was a Senior Special Agent Canine Handler (SACH) for the Bureau of ATF until being promoted to Supervisor in 2017.

4.2 Defendant William P. Barr is the Attorney General of the United States, who is the appropriate "head" of the Department of Justice and its constituent federal agency, Alcohol Tobacco Firearms & Explosives (ATF) that employs Plaintiff, and therefore is the proper Defendant in this action, under 42 U.S.C. § 2000e-16(c). Defendant is an employer within the meaning of Title VII.

### V. FACTS

5.1 On April 24, 2018, Plaintiff Cheryl Bishop filed an employment discrimination lawsuit in this Court alleging, among other things, that ATF Group Supervisor (GS) Brad Devlin had been subjecting her to a hostile work environment based on her race and in retaliation for her protected activity in reporting his racial harassment. *Bishop v. Sessions*, No. C18-00599- SZ (W.D. Wash.), Dkt. 1, ¶¶ 5.10-5.11. She alleged that she had repeatedly reported GS Devlin's misconduct to her employer, ATF, and that her superiors were aware of his racism, but that ATF failed to take effective action to remedy and prevent GS Devlin's misconduct. *Id.* ¶¶ 5.12-5.20. And further, Ms. Bishop alleged that ATF retaliated against her for her protected activity. *Id.* ¶¶



1 5.21-5.42. She alleged that Defendant's conduct violated Title VII of the Civil Rights Act of  
 2 1964 and she sought a declaration and injunction to prevent continuation of the misconduct. *Id.*  
 3 ¶¶ 6.1-7.1.

4 5.2 In his deposition—which he widely circulated so is at issue in this lawsuit—GS  
 5 Devlin had testified that he had repeatedly disparaged and mocked Ms. Bishop, confirming his  
 6 own misconduct. Exhibit A is a true copy of the transcript of GS Devlin's deposition (redacted  
 7 by him). Among other things, he testified that he told ATF colleagues that Ms. Bishop is  
 8 “worthless,” *id.* at 67:25-68:4, that she has a “poor” reputation and was “pushy or bossy” and  
 9 “difficult” to get along with, *id.* at 32:19-23, 40:9-41:3, that he told “two or three”  
 10 U.S. Attorneys that Ms. Bishop is a “train wreck” because “that was an accurate description,”  
 11 and it was “fine” for him to say about her, *id.* at 36:23-37:2, 39:22-25, 67:19-23, that he told  
 12 their fellow agents in Portland and Eugene, Oregon what he thinks of Ms. Bishop, *id.* at 68:14- 3,  
 13 that he found Ms. Bishop's request that he stop widely disparaging her “entertaining,” *id.* at  
 14 73:19-74:24, that on one occasion he “wasn't going to put up with” her demeanor so “stood up”  
 15 and told her “Get the hell out of my office,” *id.* at 42:15-43:4, that he thinks it is acceptable to  
 16 send to colleagues—including Ms. Bishop—jokes that ATF management testified were racially  
 17 offensive, *id.* at 44:15-46:6, and that Ms. Bishop was getting preferential treatment because she  
 18 had filed an EEO complaint, *id.* at 64:21-23.

19 5.3 Defendant reached a settlement of Ms. Bishop's legal claims, which the  
 20 *Seattle Times* newspaper reported in a news article published on November 18, 2019. Exhibit B  
 21 is a true copy of the *Seattle Times* news article.

22 5.4 Three days later, on November 21, 2019, GS Devlin used his ATF email account  
 23 to send an email attacking Ms. Bishop and her protected activity to over 150 line level and  
 24 management employees of ATF—including the Seattle Field Office's two ASACs and SAC as  
 25 well as the Agency's Assistant Director of Field Operations, whose second line supervisor is the  
 26 Director of ATF. Exhibit C is a true copy of GS Devlin's email. Exhibit D is the list of the  
 27 known recipients to which GS Devlin sent his email.

1           5.5     GS Devlin also sent his email to employees of other law enforcement agencies  
2 that work collaboratively with ATF, such as those of the City of Lakewood and the State of  
3 Oregon, as well as to contractors of the ATF. *Id.*

4           5.6     In his widely sent email, GS Devlin stated: “As you are all aware, The Seattle  
5 Times published another article on Nov. 18th announcing Cheryl Bishop’s victory lawsuit  
6 against the government claiming harassment, discrimination, and retaliation (attached).” To his  
7 email, he attached the *Seattle Times* article reporting on Plaintiff’s settlement with ATF, Exhibit  
8 B. He wrote, “Unfortunately, **I have not only been used as a means to her end** - but as an ATF  
9 employee, I was prohibited from discussing anything related to her ‘pending litigation.’” *See*  
10 Exhibit C. He attacked Ms. Bishop’s ethics, accusing her falsely of having “gone to the media,”  
11 when in fact the media came to her after finding the filings in court that were publicly available:  
12 “I am unaware of any ATF or DOJ policy which allows an employee to go to the media during  
13 ongoing litigation - criminal or civil. If I would have gone to the media, I would have been  
14 fired.” *Id.* He asserted recklessly, and falsely, that “Cheryl and her attorney [] publish[ed] a  
15 photo of me and disclose[d] my identity as a current ATF employee. I think this is **ethically**  
16 **wrong and unprofessional.**” *Id.*

17           5.7     But “The media” obtained GS Devlin’s name, employment, and photograph from  
18 public court filings, *see, e.g., Bishop v. Sessions*, No. C18-00599-TSZ, Dkts. 1, 41, and 43-4 at  
19 30, not from Ms. Bishop or her lawyer. And contrary to GS Devlin’s false accusations, Ms.  
20 Bishop’s lawyer shared her Complaint with lawyers for the U.S. Attorney’s office *before* filing it  
21 in court for the express purpose of asking whether it contained text that the U.S. Attorney’s  
22 Office believed should be filed under seal. The U.S. Attorney’s office did not ask to seal or  
23 redact GS Devlin’s name or affiliation with ATF, and indeed the ATF’s publicly filed Answer  
24 mentioned him by name. *See id.* Dkt. 14 (e.g., ¶¶ 5.11.5, 5.12, and 5.14). Instead, the U.S.  
25 Attorney’s Office asked Ms. Bishop’s lawyer to redact from the public filing other information,  
26 which the parties stipulated to in an order signed by the Court. *See id.* Dkts. 2, 3, and 13. And,  
27 the U.S. Attorney’s Office could have, but did not, designate the photograph of GS Devlin’s

1 tattoo as subject to the Protective Order entered by the Court. *See id.* Dkt. 21. In sum,  
2 GS Devlin's public attacks on Ms. Bishop were scurrilous and retaliatory.

3       5.8 In his public email, GS Devlin repeated the defamatory and race-based criticisms  
4 of Plaintiff and her work performance, experience, and work ethic that he had made about her  
5 creating the hostile work environment that had led to her federal lawsuit for race discrimination,  
6 harassment, and retaliation that ATF had just settled. He wrote: "I am guilty of **calling**  
7 **Cheryl [Bishop] a trainwreck.** My use of that word was never based on Cheryl's race. It was  
8 **based on her incompetence as an agent and lack of investigative experience."** *Id.* (Emphasis  
9 added). On top of this repeat of his public attack on Ms. Bishop, GS Devlin attached his own  
10 testimony in her federal lawsuit, Exhibit A—in which he stated, restated, and justified his racist  
11 criticisms of Plaintiff, as set forth in paragraph 5.2 above.

12       5.9 Several ATF employees reported to their superiors in management that they had  
13 received GS Devlin's email and that it was offensive. The widespread receipt of GS Devlin's  
14 email was reported up the ATF chain of command from the Seattle Field Office through each  
15 layer of management of headquarters all the way to the Director of ATF. The email and  
16 attachments were shared with the ATF Chief of Staff, the Deputy Assistant Director, and with  
17 ATF's Internal Affairs Division. At the time GS Devlin sent his email, each member of  
18 Plaintiff's chain of command all the way up to the Director of the Agency, had been aware of the  
19 Plaintiff's prior EEO allegations and the previous lawsuit that she had filed. Some, such as  
20 Plaintiff's ASAC and SAC, had personally investigated or overseen the investigation of some of  
21 her EEO allegations. And since GS Devlin attached the *Seattle Times* article about the settlement  
22 of that lawsuit and his own deposition testimony during the litigation, it was unmistakable to  
23 each member of Plaintiff's chain of command, the ATF Chief of Staff, the Deputy Assistant  
24 Director, and Internal Affairs that her protected activity prompted GS Devlin's email smearing  
25 her throughout the Agency and beyond, and that the email was publicly disparaging of  
26 Ms. Bishop.

1 5.10 GS Devlin's email violated multiple ATF policies, including:

- 2 • ATF Order 8610.1D, Integrity and Other Investigations, Section 11 (REPORTING
- 3 ALLEGATIONS OF MISCONDUCT AND CRIMINAL ACTIVITY);
- 4 • ATF 0 2140.1A, Adverse Action and Discipline, Section 11 (AUTHORITY TO
- 5 INVESTIGATE MISCONDUCT);
- 6 • ATF 0 2130.1B, Conduct and Accountability, Section 15 (DISCRIMINATION
- 7 AND HARASSMENT) and Section 19 (REPORTING EMPLOYEE
- 8 MISCONDUCT);
- 9 • ATF Order 2130.3A, Harassment in the Workplace, Section 7 (ROLES AND
- 10 RESPONSIBILITIES) and Section 8 (REPORTING).
- 11 • Section 19: ATF 017 2140.1 A. Adverse Action and Discipline. Section 11: ATF.

12 5.11 ATF Policy includes the following requirements of supervisors and managers:

- 13 • Taking all necessary steps to prevent harassment in the work environment;
- 14 • Ensuring that, if harassment does occur, it is eliminated in a manner that is
- 15 prompt, effective, and minimizes the effect on the victim to the extent possible
- 16 upon being informed of a claim of harassing conduct within their area of
- 17 responsibility and authority;
- 18 • Taking immediate and appropriate corrective action to hold those who engage in
- 19 harassing conduct accountable, including promptly reporting allegations and
- 20 information of harassing conduct to IAD [Internal Affairs Division]; and
- 21 • Upon being informed of a claim of harassing conduct within their area of
- 22 responsibility and authority, providing interim relief to the alleged victims of
- 23 harassment pending the outcome of the investigation to ensure that further
- 24 harassment does not occur.

25 Excerpts of ATF Order 2130.3A Harassment in the Workplace, Section 7, Subparagraph b.

26 5.12 In response to GS Devlin's email, ATF did not investigate who had received the  
27 email and what any of the 150 plus recipients had done with it. ATF did not interview GS

1 Devlin to determine who he had sent his email to or whether he had taken other steps to harass or  
2 retaliate against Plaintiff. ATF did not discipline GS Devlin for his misconduct. Instead,  
3 Plaintiff's SAC claims that he "verbally counseled" Devlin and "considered the matter closed."  
4 Within ATF, counseling is not a form of discipline. And despite claiming to have counseled  
5 GS Devlin, the SAC asserted he did not recognize that GS Devlin's email "may be construed as  
6 misconduct" implicating the ATF's Harassment in the Workplace policy, which required him to  
7 report it to the Internal Affairs Division (IAD), until someone else pointed it out to him.  
8 Exhibit E is a true copy of the SAC's email to this effect.

9 5.13 But the SAC undermined his purported referral to IAD, by writing to IAD: "After  
10 review, I am prepared to handle this matter ATF O 8610.1C, Paragraph 27, Management  
11 Referrals." This meant that if IAD declined to take any action then the matter would be referred  
12 back to the SAC. And predictably, that is exactly what happened. Exhibit F is a true copy of  
13 IAD's "Management Referral" back to the SAC—who then took no action whatsoever. ATF has  
14 since promoted the SAC.

15 5.14 Nor did ATF instruct any of its employees who had received Devlin's email to  
16 refrain from forwarding the email to others inside or outside the Agency. ATF did not  
17 communicate to its employees that GS Devlin's retaliatory conduct was prohibited or  
18 reprehensible. Neither did ATF communicate to its employees that GS Devlin's criticisms of  
19 Ms. Bishop were false or that she was in fact a skilled, respected, hardworking, and  
20 accomplished ATF Supervisor. Nor did ATF communicate to its employees that such retaliation  
21 will not be tolerated when employees come forward to bring EEO complaints. Finally, ATF  
22 never asked Ms. Bishop what effect the wide-spread email had on her work environment or  
23 whether she needed any help or support as a result. And ATF took no steps to remediate the  
24 mistreatment of Ms. Bishop or any steps reasonably calculated to prevent it from recurring.

25 5.15 In her prior federal anti-harassment lawsuit, Plaintiff had alleged that the  
26 Agency's "failure to discipline GS Devlin by issuing him only a "caution" —which in ATF is  
27 not discipline"—led to Devlin "foreseeably" continuing to abuse Ms. Bishop, disparaging her in

1 the workplace. *Bishop v. Sessions*, No. C18-00599-TSZ, Dkt. 41, at p. 24; *see* Exhibit A (Devlin  
2 Dep. 70:22-71:15). Indeed, according to Devlin’s own testimony during that lawsuit, ATF never  
3 told him to be careful about sending emails. *Id.* (Devlin Dep. 77:13-17). The Agency’s failure  
4 to take prompt and effective action again violated Ms. Bishop’s rights under Title VII.

5 **History of GS Devlin’s Racism that ATF Failed to Remedy, Leading to this Lawsuit**

6 5.16 In late April 2016, as Agent Bishop was planning to leave Seattle for a one-year  
7 detail in Washington D.C., Agent Bishop was asked to serve as an acting Group Supervisor (GS)  
8 in the Eugene, Oregon ATF office substituting for GS Brad Devlin—who was being considered  
9 for a promotion to ATF Internal Affairs. To sabotage Agent Bishop, GS Devlin made damaging  
10 and disparaging remarks about her to the ATF agents she would be supervising in Eugene and to  
11 Assistant United States Attorneys in Oregon who she needed to work with to perform her job as  
12 Group Supervisor there. GS Devlin told them that Agent Bishop lacked the professional  
13 qualifications needed and that she would be a “train wreck.”

14 5.17 This was only the most recent racial harassment and discrimination of  
15 Agent Bishop, who is African-American, by GS Devlin, who is Caucasian. But it was the first  
16 opportunity that GS Devlin had in quite some time to continue abusing her. During previous  
17 years, GS Devlin had directly supervised Agent Bishop in Seattle. During that time, and from  
18 2009 through 2012, GS Devlin had repeatedly committed racial harassment and discrimination  
19 against Agent Bishop, which the Agency ignored and failed to stop. For example:

20 5.17.1 On January 20, 2009, Agent Bishop raised a concern to GS Devlin that she  
21 had not been given her bullet-proof vest. Ignoring her stated concern, GS Devlin assigned her to  
22 assist and cover a law enforcement operation thereby putting her life in danger without adequate  
23 and required protective gear.

24 5.17.2 The next month, on February 19, 2009, GS Devlin sent an email explicitly  
25 disparaging African-Americans regarding an African-American ASAC to a group of ATF agents,  
26 including to SA Bishop and local law enforcement officers.

1           5.17.3 On the same day, GS Devlin arranged for a presentation to a new Special  
2 Agent in Charge (SAC) about a Special Response Team (SRT) warrant and operation. He  
3 invited all ATF and Task Force Officers in the group to attend, but he excluded Agent Bishop.  
4 All the other agents and task force officers in the group that he invited were white males (ATF  
5 SA Ken Cooper, ATF SA Craig Howe, and ATF-King County Task Force Officer Mike Garske).  
6 ATF Group Supervisor Douglas Krogh witnessed this. GS Devlin did not inform Agent Bishop  
7 of the presentation. Instead, after sitting on a project of developing an operational plan until the  
8 last minute, he then assigned SA Bishop to handle it during the presentation as an excuse so she  
9 would be unavailable to attend.

10           5.17.4 GS Devlin sent multiple emails to ATF agents under his supervision,  
11 including Agent Bishop, mocking African-Americans, including Barack Obama—while Obama  
12 was Commander in Chief and President of the United States. Among the racially offensive  
13 emails GS Devlin sent was a mock Christmas card showing a black family celebrating the  
14 holiday behind bars.

15           5.17.5 GS Devlin wears a large Nazi-SS tattoo on his bicep that he claims to have  
16 obtained for working undercover in a white supremacist gang several years ago. He declined to  
17 have it removed at ATF expense and showed it off publically to other ATF agents in front of  
18 Agent Bishop while eying her with a grin.

19           5.17.6 Without provocation, when Agent Bishop asked GS Devlin a question  
20 while in his office, GS Devlin walked up to Agent Bishop, yelled at her to her face, and raised  
21 his fist towards her as if to hit her while refusing to answer her work-related question.

22           5.18 Agent Bishop reported GS Devlin's racist conduct to her superiors, but they took  
23 no action. In 2009, she reported them to GS Devlin's supervisor, ASAC Robert Levingston, who  
24 claimed he spoke to GS Devlin about his physical threat to her and to ASAC Charlie Smith and  
25 SAC Kelvin Crenshaw about GS Devlin's display of his offensive white supremacist tattoo. But  
26 the Agency did not investigate, report the incidents, or take any action. During 2016,  
27 Agent Bishop spoke more than once with ATF Budget Analyst (BA) Linda Gathercole about



1 Supervisor Devlin's discriminatory and harassing behavior. Likewise, during and before 2016,  
2 Agent Bishop spoke on more than one occasion with Division Operations Officer (DOO)  
3 Casey Xiong about GS Devlin's discriminatory and harassing behavior. And in several  
4 conversations with ASAC Celinez Nunez, Agent Bishop had described the history and pattern of  
5 GS Devlin committing incidents of racial harassment and discrimination.

6 5.19 Despite ATF's knowledge that Group Supervisor Brad Devlin has engaged in  
7 discriminatory behavior and racial harassment and brings racist attitudes to work, the Agency  
8 repeatedly looked the other way.

9 5.20 In April 2016, a colleague in the Portland, Oregon ATF office, GS  
10 Colleen Domenech, reported to Agent Bishop that GS Devlin was sabotaging Ms. Bishop to  
11 other agents and Assistant U.S. Attorneys. In response, Agent Bishop emailed GS Devlin asking  
12 him to stop. In response, he feigned ignorance, claiming to "have no idea what you are talking  
13 about" and that he has "not disparaged you to anyone." But he admitted to her that he had  
14 expressed his opinion of her, when asked by others.

15 5.21 Deeply troubled that GS Devlin was undermining her reputation and authority  
16 within the agency and to the U.S. Attorney's Office where she would be stationed, Agent Bishop  
17 told her superior, ASAC Nunez, about GS Devlin's misconduct. And, on April 21, 2016,  
18 Agent Bishop forwarded to ASAC Nunez her email exchanges with GS Devlin. That same day,  
19 ASAC Nunez forwarded the emails to SAC Dawson and discussed the issue with him because,  
20 Nunez wrote, "I will need to address it."

21 5.22 On May 2, 2016, Agent Bishop again met with ASAC Nunez. ASAC Nunez told  
22 Agent Bishop that she had a "candid" conversation with Group Supervisor Devlin about his  
23 recent disparaging comments about Agent Bishop. But ASAC Nunez made no mention of the  
24 ATF investigating or disciplining him for his misconduct or taking any action at all.  
25 ASAC Nunez asked Agent Bishop, "would it make you feel better if I wrote a letter for his file?"  
26 ASAC Nunez said, "You know, he will probably just wipe his ass with it." ASAC Nunez said  
27 that if Agent Bishop "felt strongly about it" and "if it would make you feel better" to have



1 ASAC Nunez put something in Devlin's file then Agent Bishop was welcome to send  
2 ASAC Nunez something in writing and include any relevant documents. ASAC Nunez told  
3 Agent Bishop that it was "too bad previous managers did not handle the situation" with Devlin.

4 5.23 In response, the following day, in a memorandum dated May 3, 2016,  
5 Agent Bishop reported to her ATF Seattle Field Division Management, ASAC Celinez Nunez  
6 and SAC Douglas Dawson, that ATF Group Supervisor Brad Devlin had racially harassed and  
7 discriminated against her.

8 5.24 The next day, May 4, 2016, Agent Bishop saw Seattle Field Office SAC Dawson  
9 standing outside the door of his office. She asked to speak with him to discuss her complaint  
10 memo dated May 3, 2016, so that he could hear directly from her why she had written it.  
11 SAC Dawson invited Agent Bishop into his office, and they talked about her concerns and the  
12 incidents reported in her memo. It was apparent from his behavior and remarks that  
13 SAC Dawson was familiar with the contents of her memo. Agent Bishop talked to SAC Dawson  
14 about incidents outlined in her memo and how emotionally painful and tiring it had been for her  
15 dealing with GS Devlin's abusive behavior over the years and that ATF never took action to stop  
16 it. She told SAC Dawson that the latest incidents in which Devlin had been harassing her were  
17 completely unprofessional, and that he had not only defamed and bad-mouthed her *inside* the  
18 Agency but also had inflicted harm by defaming her to others *outside* the agency, which could  
19 interfere with her ability to perform her job effectively. SAC Dawson agreed that GS Devlin had  
20 probably harmed her professional reputation. SAC Dawson then told her that he had been the  
21 class coordinator when GS Devlin was a new hire at the academy. SAC Dawson told her that  
22 GS Devlin "had issues" even then and stated "Devlin has always been a separatist" racially.

23 5.25 On or about May 5, 2016, Agent Bishop was speaking with ASAC Nunez just  
24 outside the door of ASAC Nunez's office about Bishop's May 3, 2016 complaint memo.  
25 ASAC Nunez said that SAC Dawson had told her, "Devlin does not like black people."  
26  
27

1           5.26    The next day, May 6, 2016, ASAC Nunez and SAC Dawson spoke to GS Devlin,  
2 who confirmed that he wears a “German Eagle SS lightning bolt tattoo” that he received to work  
3 undercover with a white supremacist organization.

#### 4                           **History of ATF’s Retaliation Against Ms. Bishop**

5           5.27    In her previous federal lawsuit, Plaintiff alleged that in retaliation for her alleging  
6 race discrimination and harassment by GS Devlin, the Agency undermined her promotional  
7 detail by stripping her of her specialty position as canine handler and by notifying her that upon  
8 returning from ATF headquarters she would have to relocate to Portland, Oregon, where she  
9 would have to have frequent interaction with GS Devlin, and to face the prospect of him  
10 periodically supervising her. As a result, Plaintiff did not go on the promotional detail and was  
11 deprived of both the professional development that it would have entailed and the stepping stone  
12 to advancement that it would have created.

13           5.28    As a result of Plaintiff’s prior EEO complaints and federal lawsuit, ATF did not  
14 discipline GS Devlin or any employee.

15           5.29    In her prior lawsuit, Plaintiff had alleged:

16           Defendant failed to remedy and prevent the racial harassment that Agent Bishop  
17 was and is subjected to in her workplace. And Defendant discriminated and  
18 retaliated against her for reporting that harassment, altering the terms and  
19 conditions of her promotional detail. Completing an assignment at ATF HQ is a  
20 requirement for promoting to grade GS15. Defendant’s conduct illegally  
interfered with Agent Bishop fulfilling that requirement causing her harm. And,  
Defendant’s conduct illegally proximately caused her other financial harm and  
emotional distress.

21           *Bishop v. Sessions*, No. C18-00599-TSZ, Dkt. 1, ¶ 5.42.

22           5.30    ATF’s failure to timely remedy and prevent the discrimination, harassment, and  
23 retaliation that Plaintiff alleged in her prior lawsuit is material evidence relevant to proving GS  
24 Devlin’s illegal motivations, notice to Defendant, failure of Defendant to promptly remedy and  
25 prevent illegal conduct, Defendant’s illegal motivation and conduct, and that these were  
26 proximate causes of GS Devlin’s violations after the resolution of Ms. Bishop’s first lawsuit  
27 alleged herein and the harm that they have caused Ms. Bishop.

1 **VI. CLAIMS**

2 6.1 By his acts described above, Defendant violated Title VII of the Civil Rights Act  
3 of 1964, 42 U.S.C. §2000e, *et seq.*, as amended and related regulatory provisions, through illegal  
4 harassment, discrimination, and retaliation causing harm and damages to Plaintiff.

5 **VII. INJUNCTION ALLEGATIONS**

6 7.1 Defendant has continued failure to take prompt and remedial measures to stop  
7 ATF employees from harassing, discriminating against, and retaliating against Plaintiff. An  
8 injunction from this Court is necessary to enforce her rights under Title VII to be free of such  
9 mistreatment as an employee of the United States government.

10 **VIII. REQUEST FOR RELIEF**

11 WHEREFORE Plaintiff requests that the Court enter judgment and other relief against  
12 Defendants awarding Plaintiff:

- 13 8.1 Trial to a jury;  
14 8.2 Declaratory and injunctive relief;  
15 8.3 Economic and general damages;  
16 8.4 The tax consequences of any award;  
17 8.5 Reasonable attorney fees and costs;  
18 8.6 Pre-judgment and post-judgment interest;  
19 8.7 The right to conform the pleadings to the evidence presented at trial; and  
20 8.8 All other relief deemed just and fair.

21 DATED this 17<sup>th</sup> day of September, 2020.

22 MacDONALD HOAGUE & BAYLESS

23 By: 

24 Jesse Wing, WSBA #27751  
25 JesseW@MHB.com  
26 Attorneys for Plaintiff  
27

## **EXHIBIT A**

Bradford Devlin  
July 08, 2019

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CHERYL BISHOP,

Plaintiff,

vs.

JEFF SESSIONS, ACTING ATTORNEY  
GENERAL, DEPARTMENT OF JUSTICE,  
ALCOHOL, TOBACCO, FIREARMS &  
EXPLOSIVES,

Case No. C18-00599-TSZ

Defendant.

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VIDEOTAPED DEPOSITION OF BRADFORD DEVLIN

July 8, 2019

9:51 a.m.

1000 SW Third Avenue, Suite 600

Portland, Oregon

REPORTED BY:

Melinda Hermansen

CSR No. 10-0420, RPR

Bradford Devlin  
July 08, 2019

1 APPEARANCES:

2  
3 For Plaintiff:

4 MACDONALD HOAGUE & BAYLESS  
5 MR. JESSE A. WING  
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7 Seattle, WA 98104-1745  
(206) 622-1604  
Jessew@mhb.com

8 For Defendant:

9 UNITED STATES ATTORNEY'S OFFICE  
10 MS. PRISCILLA CHAN  
11 MS. LILY MONFORT (Via telephone)  
12 700 Stewart Street, Suite 5220  
Seattle, WA 98101-4438  
(206) 553-7970  
Priscilla.chan@usdoj.gov

13 Also Present:

14 MR. ZACH HOOVER, Videographer  
15  
16  
17  
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Bradford Devlin  
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EXAMINATION

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By Mr. Wing

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Bradford Devlin  
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BRADFORD DEVLIN

Bishop v. Sessions

Monday, July 8, 2019

Melinda Hermansen, CSR No. 10-0420, RPR

MARKED	DESCRIPTION	PAGE
(None)		

EXHIBITS PREVIOUSLY MARKED AND REFERRED TO

MARKED	DESCRIPTION	PAGE
Exhibit 43	(Retained by Plaintiff's Counsel)	80
Exhibit 44	(Retained by Plaintiff's Counsel)	75



Bradford Devlin  
July 08, 2019

1 PORTLAND, OREGON;

2 MONDAY, JULY 8, 2019, 9:51 A.M.

3  
4 THE VIDEOGRAPHER: We're on the record. The  
5 time is 9:51 a.m., on Monday, July 8th, 2019. This  
6 begins the video deposition of Bradford Devlin in the  
7 matter of Cheryl Bishop v. Jeff Sessions, Acting  
8 Attorney General, et al., being heard in the United  
9 States District Court, Western District of Washington at  
10 Seattle, case number C18-00599-TSZ. This deposition is  
11 being held at 1000 Southwest Third Avenue, Suite 600,  
12 Portland, Oregon. Your videographer is Zach Hoover, and  
13 your court reporter is Linda Hermansen. We're with US  
14 Legal Support.

15 Will counsel please introduce yourselves one  
16 more time for the record, and then the court reporter  
17 will administer the oath.

18 MR. WING: Jesse Wing on behalf of the  
19 plaintiff, Cheryl Bishop.

20 MS. CHAN: Priscilla Chan on behalf of  
21 defendant.

22  
23 BRADFORD DEVLIN,  
24 having been first duly sworn, was examined  
25 and testified as follows:

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EXAMINATION

BY MR. WING:

Q. Good morning. My name is Jesse Wing, and I represent Cheryl Bishop in a lawsuit that's been filed against your employer, the United States Government.

Mr. Devlin, I'm going to do my best to phrase questions in a way that you find understandable. If at any time you feel you do not understand a question or you find it confusing, will you agree to let me know?

A. Yes.

Q. If you go to answer a question, I will assume you understood it. Fair?

A. Fair.

Q. Okay. Is there any reason you cannot give truthful testimony today?

A. No.

Q. Okay. Do you understand that you are under the oath, penalty of perjury, the same as if you were sitting in front of a federal jury and a federal judge?

A. Yes, I do.

Q. Okay. At any time you need a break, please let us know. We can take a break. And as long as there's not a question pending, we can go ahead and take a break then. Okay?

A. Okay.

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1 Q. All right. What, if anything, did you do to  
2 prepare for today's deposition?

3 A. I met with -- with the attorney.

4 Q. Priscilla Chan?

5 A. Yes.

6 Q. Okay. About how long?

7 A. Maybe an hour yesterday.

8 Q. Okay. Did you review any documents in  
9 preparation for today?

10 A. I did. I looked at them. I did not reread  
11 them, but I have read them in the past.

12 Q. Okay. And what documents are you referring to?

13 A. They were the EEO documents, and one was a  
14 complaint originally written by Cheryl Bishop. There  
15 may have been another one in there. I -- those are the  
16 ones that come to my mind.

17 Q. Okay. And when you say "the EEO," do you mean  
18 affidavits that you signed?

19 A. Yes.

20 Q. Is that what you mean? Okay.

21 A. Yes.

22 Q. So you read a complaint written by Cheryl  
23 Bishop, and you read statements that you had made and  
24 signed?

25 A. Yes.

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1 Q. Any other documents?

2 A. Not that I can think of, no.

3 Q. Okay. And you sort of saw those documents, but  
4 didn't actually reread them?

5 A. Correct.

6 Q. Okay. And during your conversation with  
7 Ms. Chan, was anyone else present?

8 A. No.

9 Q. Was that over the phone or in person?

10 A. We did talk over the phone, but we met in  
11 person yesterday.

12 Q. Okay. Mr. Devlin, for the record, what is your  
13 race?

14 A. Caucasian.

15 Q. And what is your gender?

16 A. Male.

17 Q. And you have filed at least one EEO complaint  
18 yourself; is that correct?

19 A. That's correct.

20 Q. More than one or just one?

21 A. Just one.

22 Q. And when did you file that?

23 A. It was after Cheryl had fired -- I'm sorry --  
24 filed hers. It was probably 2017, I believe.

25 Q. Okay. Is that matter resolved?



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1 A. It was just recently resolved, yes.

2 Q. Okay. And what was the outcome?

3 A. There was no outcome. They -- I received a  
4 letter saying that nothing was going to happen.

5 Q. Okay. So it's just been dropped. Dismissed?

6 A. I don't know what the terminology is. I would  
7 assume so, yeah.

8 Q. Okay. You have testified as part of your job;  
9 is that correct?

10 A. Yes.

11 Q. Okay. Apart from testifying as part of your  
12 job as an ATF agent, have you ever testified in court  
13 apart from that?

14 A. No.

15 Q. A personal matter? A business matter?

16 A. No, not in court.

17 Q. What about in a deposition?

18 A. Yes.

19 Q. What was the nature of the dispute that you  
20 testified in?

21 A. It was an automobile accident that my daughter  
22 was involved in.

23 Q. Okay. Any other times?

24 A. No.

25 Q. Okay. And apart from the EEO declarations or

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1 affidavits that you signed regarding your own EEO  
2 complaint and Cheryl Bishop's EEO complaints, have you  
3 signed any other affidavits or declarations in EEO  
4 matters?

5 A. No.

6 Q. Do you feel like you understand my question?

7 A. Yes, I believe I do. I haven't -- I haven't  
8 signed any other declarations other than -- than the  
9 complaints, my only EEO complaint or the one involving  
10 Cheryl Bishop.

11 Q. Okay. Would you briefly provide a summary of  
12 your career at the ATF; you know, when you started, what  
13 roles you played, what the locations were.

14 A. Yes.

15 Q. Thank you.

16 A. I was hired as an ATF agent in June of 1999.  
17 My first -- my first place -- my first work station was  
18 El Paso, Texas. I spent four years -- three or four  
19 years there. I went from El Paso to Tacoma, Washington  
20 as an agent. I worked Seattle and Tacoma, Washington  
21 area. I was an agent for about nine years.

22 I was promoted to the resident -- or, I'm  
23 sorry, the group supervisor job in -- I believe it was  
24 2007, late 2007. That was the gang group in Seattle,  
25 Washington. Then I spent three, four years in a Seattle

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1 gang group. Then I accepted a position as the Resident  
2 Agent in Charge of the Portland, Oregon field office.  
3 And I -- I was in Portland as the Resident Agent in  
4 Charge until 2015. And then I opened the office in  
5 Eugene, Oregon as the Resident Agent in Charge. And  
6 I've been in Eugene since. I currently hold that  
7 position and reside in Eugene.

8 Q. Approximately when -- thank you. When in 2015  
9 did you open the Eugene office?

10 A. Summertime. I would say probably -- probably  
11 July or August.

12 Q. Okay. Was that -- did you volunteer to open  
13 the Eugene office?

14 A. I had a couple of options. I was being heavily  
15 recruited to go to Washington, D.C. I wasn't interested  
16 in going to Washington, D.C. At the same time, for  
17 several years while I was in Portland, I had requested  
18 an office be -- be initiated in Eugene, Oregon to cover  
19 Central and Southern Oregon, and it took several years  
20 for ATF to -- to give that -- to give the blessing for  
21 that. So they -- so I was -- I was offered the option  
22 of going to Eugene and opening a new office, and I  
23 accepted that over going to Washington, D.C.

24 Q. Okay. Were you being pushed to do one or the  
25 other?



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1 A. I was being highly encouraged, I wouldn't say  
2 pushed, to go to Washington, D.C.

3 Q. For what reason?

4 A. Because I had been a low level supervisor for  
5 quite a -- quite a few years. And ATF's -- ATF's or  
6 management's belief was if you've been a supervisor for  
7 more than five years, you should -- you should promote  
8 up. And the next step would be to go to  
9 Washington, D.C.

10 Q. Okay. So it was the Seattle office management  
11 that was pushing you to go to D.C.?

12 A. Yes.

13 Q. Okay. Or opening Eugene?

14 A. That's correct.

15 Q. Okay. But you saw either one as an effort by  
16 your management to promote you; is that right?

17 A. The Eugene position was not a promotion.

18 Q. Okay.

19 A. It was just a lateral.

20 Q. Okay. Okay. So when did you do the academy?

21 A. The ATF Academy was June of 1999.

22 Q. And was [REDACTED] one of the instructors that  
23 you had in the academy?

24 A. He was a -- I wouldn't call it an instructor.  
25 He was a supervisor of the academy class, a visiting



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1 supervisor.

2 Q. Okay. And was [REDACTED] one of your  
3 classmates?

4 A. [REDACTED] that name sounds familiar. I don't  
5 remember if [REDACTED] was a classmate.

6 Q. You just don't remember?

7 A. No, but that name does sound familiar.

8 Q. Okay. During the course of your career, you  
9 went undercover in a gang; is that right?

10 A. Yes.

11 Q. More than once or once?

12 A. More than once.

13 Q. More than once. Okay. Could you articulate  
14 the time periods that you went undercover?

15 A. I'll do my best. I'm not real good with years.

16 Q. Okay.

17 A. I was part of -- it was called the Enhanced  
18 Undercover Program.

19 Q. Could you spell that please?

20 A. Enhanced --

21 Q. Oh, thank you.

22 A. E-N-H --

23 Q. I got it.

24 A. Okay. Enhanced Undercover Program. I became  
25 part of that program, I would say in about 2003 or '04,

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1 and I was in that program for about three or four years.

2 Q. Was it at the end of that that you became the  
3 supervisor in Seattle?

4 A. I first became a supervisor in Seattle in 2007.

5 Q. So was that right after?

6 A. It was -- yes, yes.

7 Q. Okay. And you performed more than one  
8 undercover operation?

9 A. Yes.

10 Q. How many would you say you did?

11 A. Probably hundreds.

12 Q. Okay. And I understand one of them is called  
13 the Order of Blood; is that right?

14 A. Yes.

15 Q. Okay. Tell me a little bit about the Order of  
16 Blood.

17 A. Order of Blood is an Aryan-Nation-sponsored  
18 outlet motorcycle club. It was based in Ohio. And  
19 there were three full-time ATF undercover agents that  
20 were able to -- to get in. I was one of the three. I  
21 was able to get membership in it.

22 It was a -- it was a lengthy criminal case. I  
23 was undercover on that case for probably eight months.  
24 It was -- it was very successful at the end. We had --  
25 we had a lot of arrests.

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1 Q. Congratulations.

2 A. Thank you.

3 Q. I don't want to know a whole lot of the  
4 specific details, but some general details would be  
5 helpful.

6 Did you go out of state to do this undercover  
7 work?

8 A. Yes. It was in Ohio.

9 Q. You did go to Ohio?

10 A. Yes.

11 Q. Okay. And did you essentially live with these  
12 bikers?

13 A. Yes.

14 Q. So this was kind of a 24/7 lifestyle that you  
15 had to adopt?

16 A. Yes.

17 Q. Okay. And you mentioned that they were Aryan.  
18 Is that another phrase -- another word for a white  
19 supremacist?

20 A. The Aryan is a group.

21 Q. Okay.

22 A. They call themselves Aryans, but yes, they are  
23 white supremacists.

24 Q. And during the course of your undercover  
25 operations, did you have to participate in activities

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1 that one would describe as white supremacist?

2 A. I participated in -- in their -- their talk,  
3 their -- their culture. I didn't participate in any --  
4 what kind of activities are you --

5 Q. I'm not asking you if you committed crimes.

6 A. Oh, I didn't think so. Okay.

7 Q. I'm -- the KKK is known for burning crosses.

8 A. Uh-huh.

9 Q. Do the Order of Blood engage in rituals that  
10 they think express white supremacist --

11 A. No.

12 Q. -- beliefs?

13 A. No, no. There was no rituals.

14 Q. Okay.

15 A. It was an outlaw motorcycle club. Their  
16 biggest -- their biggest ritual, if you call it, was  
17 they wore what is called a "cut." It's the -- it's the  
18 biker vest and it has their clothing insignia on it, and  
19 they like to put racist patches on it to show that they  
20 are part of the Order the Blood, to show that they are  
21 Aryan -- Aryan Nation. And they want to show that to  
22 everybody.

23 And they talk -- they talk racist comments.

24 And they'll -- they'll make loud and obnoxious  
25 statements to -- to minorities and not think anything of



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1 it.

2 Q. And did you have to engage in the same behavior  
3 in order to fit in?

4 A. Yes.

5 Q. Okay. And, for example, did that mean using  
6 the N word?

7 A. I didn't use the N word, but some of them would  
8 use the N word, yes.

9 Q. Okay. During the course of this undercover  
10 operation, did you get a tattoo?

11 A. Yes.

12 Q. And why did you get a tattoo?

13 A. The tattoo was -- was required by the club as  
14 part of the bylaws of the club when you get voted in as  
15 a member. So I had to -- I had to -- to go through a  
16 probationary period, just like any -- it was called a  
17 prospect.

18 So if you're a prospect, you prospect with the  
19 club for a certain amount of time. And when they feel  
20 that you have -- have passed this time period, and if  
21 they like you, they will have a vote and they will vote  
22 you in as a member. And once you are a member, they --  
23 they gave you the approval to get the club insignia  
24 tattooed and -- and many other tattoos if you -- if you  
25 wish. So once I was voted in, I was told to get the

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1 tattoo, the club tattoo.

2 Q. Okay. And what is the tattoo?

3 A. It's a German eagle with SS bolts in the  
4 center.

5 Q. What is an SS bolt?

6 A. It's part of Hitler's secret police. It  
7 signifies support for Hitler.

8 Q. Okay. Was there Hitler talk among the group?

9 A. Yes.

10 Q. Okay. Support for Hitler, in other words?

11 A. Yes.

12 Q. Okay.

13 A. Yes.

14 Q. And you still have that tattoo; is that  
15 correct?

16 A. Yes.

17 Q. I'd like to see it, please.

18 A. Okay. I got to take off my --

19 Q. Yeah.

20 A. -- shirt.

21 MS. CHAN: And, Counsel, for the record, it's  
22 just subject to the objections that we sent you.

23 Go ahead.

24 BY MR. WING:

25 Q. Let me just ask you first. Do you have any

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1 other tattoos?

2 A. No.

3 Q. That's what I thought. Okay.

4 A. (Undressing.) I shouldn't have worn short  
5 sleeves today, huh?

6 MR. WING: Take your time. We're doing fine.  
7 So -- this doesn't have to be on the record.

8 There we go. Okay. I'm going to take a  
9 picture of that.

10 (Picture taken with cell phone)

11 BY MR. WING:

12 Q. So let me ask you. I see the lightning bolts  
13 in the center shield --

14 A. Uh-huh.

15 Q. -- is that right?

16 A. Yeah.

17 Q. Okay. And could you describe -- it looks like  
18 an eagle --

19 A. Yes.

20 Q. -- is that right?

21 A. Yes.

22 Q. And is there anything else about the eagle  
23 that's specifically important in the insignia?

24 A. Other than it's supposed to be a German eagle.  
25 I don't know if there's a difference between a German

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1 eagle and an American eagle. I -- I don't know.

2 Q. Okay. All right. Let me just check my  
3 pictures and make sure that I got them.

4 A. Got it?

5 Q. Okay. Yeah. Thank you.

6 A. Yes.

7 MS. CHAN: Can we take a couple-minute break?

8 MR. WING: Sure.

9 MS. CHAN: Okay. Why don't we take a  
10 couple-minute break --

11 THE WITNESS: Okay.

12 MS. CHAN: -- if you want to --

13 THE WITNESS: Yeah.

14 THE VIDEOGRAPHER: Off the record at 10:11.

15 (Recess)

16 THE VIDEOGRAPHER: Back on the record at 10:16.

17 BY MR. WING:

18 Q. This is just curiosity. Hopefully you'll  
19 indulge me. I'm from Ohio.

20 Where in Ohio was all this?

21 A. Geneva Lake.

22 Q. Oh, okay.

23 A. By Ashtabula.

24 Q. Uh-huh. Okay. Thank you.

25 Do you have a photograph of you and members of



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1 the gang?

2 A. I do have one, yeah. Actually, I have -- I  
3 have several.

4 Q. You have several. Okay.

5 A. Yeah.

6 Q. And one of them sits in your office; is that  
7 correct?

8 A. Sits in a drawer in my office, correct.

9 Q. Okay.

10 A. It did sit on -- on a ledge of my office for  
11 some time, yes.

12 Q. Okay. And you must have gotten to know some of  
13 these people pretty well?

14 A. Yes.

15 Q. Did you see good sides of them?

16 A. Sometimes I did, yes.

17 Q. And have you ever described them as good  
18 people, people that you got to know?

19 A. No, but I have described them as -- one of the  
20 difficult things about working undercover with a group  
21 of people for a long time, I have described them as --  
22 as getting to know them and building a trust, and then  
23 when the case is over, I tear that trust down. I have  
24 described that.

25 Q. Okay. Are you proud of the tattoo?

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1 A. No.

2 Q. Why do you still have it?

3 A. I'm waiting for my EEO complaint, which just  
4 recently finished, just about a month or two months ago,  
5 and I have asked ATF to pay to remove it.

6 Q. Okay. Why have you waited until now? I mean  
7 you've had the tattoo since -- for close to 15 years; is  
8 that about right?

9 A. Yes, yes.

10 Q. Okay. Why now?

11 A. Because I want ATF to pay to remove it.

12 Q. They have offered to pay for it, right?

13 MS. CHAN: Object to the form. It assumes  
14 facts not in evidence. Answer if you know.

15 THE WITNESS: They -- they have -- one of my  
16 supervisors did say we could find a way to -- to have  
17 ATF remove it. And I said, "Okay. I'll get back with  
18 you." And when I asked to have it done, she never got  
19 back with me.

20 BY MR. WING:

21 Q. Is that [REDACTED]

22 A. Yes.

23 Q. Okay. Did you ask [REDACTED] in person or via e-mail  
24 or text? Or how did you ask?

25 A. I believe it was in person.

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1 Q. Did you -- how many years ago was that?

2 A. That was when Cheryl's complaint -- when Cheryl  
3 submitted a complaint, because [REDACTED] had asked me about  
4 that -- about the tattoo. I believe [REDACTED] had asked me.  
5 [REDACTED] said, "Well, you have a swastika tattoo."

6 I said, "It's not a swastika." Then I asked  
7 [REDACTED] if I could get it removed. I also asked to get it  
8 removed prior to that, right after that criminal case  
9 had ended, and I was told "no."

10 Q. Who did you ask about that?

11 A. I asked the chief of Special Operations  
12 Division. But I asked through the supervisor of the  
13 Enhanced Undercover Program.

14 Q. Do you remember that person's name?

15 A. Uh-huh.

16 Q. Who is that?

17 A. [REDACTED]

18 Q. Could you spell that, please?

19 A. [REDACTED].

20 Q. And I just want to be sure it's a hyphen, not  
21 apostrophe?

22 A. Oh. Yeah.

23 Q. It was an apostrophe?

24 A. That's an apostrophe. I'm sorry. I have  
25 hyphen, apostrophe wrong.

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1 Q. A hyphen is like a minus sign.

2 A. It's not a hyphen. I'm sorry.

3 Q. Okay.

4 A. It's an apostrophe.

5 Q. Okay. How much did it cost to remove a tattoo  
6 like that?

7 A. This one costs between three and four thousand  
8 dollars.

9 Q. Okay. I mean, to remove it?

10 A. Yeah, through the laser process, the laser  
11 removal process.

12 Q. Okay. When is the last time before today that  
13 you've shown that tattoo to anybody?

14 A. It would have been many years ago. It would  
15 have been at a -- I believe it was a retirement party in  
16 Seattle. One of my coworkers had asked. He said he had  
17 heard about my tattoo, and he had asked to see it. And  
18 I showed it to him.

19 Q. Was this in a room where the rest of the guests  
20 were, too?

21 A. Yes.

22 Q. Okay. So did you have to disrobe the way you  
23 just did?

24 A. No. I lifted up my -- my -- my sleeve.

25 Q. Okay. Do you remember Cheryl Bishop being



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1 there during that?

2 A. I think I do, yes.

3 Q. Okay.

4 A. There was many people there, but I believe she  
5 was part of that -- that party.

6 Q. Do you have an understanding why some people  
7 might be disturbed to see that?

8 A. Yes.

9 Q. Did that occur to you when you were showing  
10 that to your colleague at the party --

11 A. No.

12 Q. -- that others might find it offensive?

13 A. No. Because he asked to see it, and I -- I  
14 didn't -- I didn't believe -- have any reason to believe  
15 that he would be offended.

16 Q. You knew that there were other people around  
17 who would see it, too, right?

18 A. I wasn't showing it to other people.

19 Q. Your kids have seen the tattoo?

20 A. Unfortunately, yes.

21 Q. What do you tell them about it?

22 A. I tell them the truth. I tell them how I  
23 acquired it and the circumstances.

24 Q. The other two ATF agents who were undercover in  
25 the -- with the Blood gang also got that tattoo, right?

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1 A. Correct.

2 Q. Okay. Do they still have it?

3 A. I don't know.

4 Q. Did you tell [REDACTED] that you would get  
5 yours removed once they got theirs removed?

6 A. No.

7 Q. So if [REDACTED] testified to that under oath, she was  
8 not telling the truth?

9 A. Correct.

10 MS. CHAN: Object to the form.

11 BY MR. WING:

12 Q. Is that right?

13 MS. CHAN: Object to the form. Answer if you  
14 know.

15 THE WITNESS: That's -- I never said that.

16 BY MR. WING:

17 Q. Okay. Who are those agents, the other two  
18 agents?

19 A. They're -- they're two other ATF agents that I  
20 work --

21 Q. What were their names?

22 A. -- long-term cases.

23 [REDACTED]

24 Q. [REDACTED]

25 A. I think it's a [REDACTED]

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1 Q. Okay. And [REDACTED]

2 A. Yes. And let me think. For some reason, his  
3 name's not coming to me. Give me a minute or two. It  
4 will probably come to me.

5 Q. Okay.

6 A. Sometimes I forget names pretty -- pretty  
7 easily.

8 Q. Okay. Do you stay in touch with these guys?

9 A. Not very much. I stay in touch with [REDACTED]  
10 I probably talk to him once or twice a year.

11 Q. And you don't remember the topic coming up of  
12 removing the tattoo?

13 A. No, no.

14 Q. Where is he located?

15 A. You mean with [REDACTED]

16 Q. No, with [REDACTED] Do you guys ever talk  
17 about --

18 A. I don't --

19 Q. -- did you get the tattoo removed?

20 A. No. But I don't remember ever talking about  
21 removing a tattoo of mine or his.

22 Q. Okay. Do you remember the other guy's name  
23 yet?

24 A. Yeah. Let me --

25 Q. Okay.

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1 A. He was the one I had the picture of on my desk.

2 Q. Okay. When did you first meet Cheryl Bishop?

3 A. I believe I met Cheryl when I first came to  
4 Seattle Field Division, and that was about 2002.

5 Q. Okay. And at that point, you were both -- is  
6 it called 1811 agents --

7 A. Yes, that's correct.

8 Q. -- is that right? Okay.

9 And then she left the agency, right, and you  
10 continued in Seattle for a while?

11 A. Yes.

12 Q. Okay. Did you work with her before she left to  
13 go to Amazon?

14 A. No.

15 Q. Okay. She was just a fellow agent in the  
16 Seattle office?

17 A. Yes.

18 Q. Okay. At that time, if you were going to  
19 estimate, how many agents would you say were in Seattle,  
20 just your estimate?

21 A. Just in the Seattle --

22 Q. Office.

23 A. -- office?

24 Q. Not the whole field.

25 A. Not the division, just the office?



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1 Q. Yes.

2 A. I would say maybe 20.

3 Q. Okay. And approximately how long do you think  
4 that you and she worked in the same office together  
5 before she left?

6 A. Well, we didn't -- I'm not for sure. I don't  
7 remember. I believe that she may have been leaving at  
8 the time that I came on. And I may have even met her at  
9 a going-away party for someone else at the time that I  
10 was coming on and the time she was leaving. I  
11 don't -- I don't remember.

12 Q. So would it be accurate to say you don't really  
13 remember much about the time when you and she worked  
14 together before she left for Amazon? And when I say  
15 "worked together," I just mean worked in the same  
16 office.

17 A. Correct.

18 Q. You didn't really have much sense of her at  
19 that point?

20 A. Correct, and we never worked any criminal cases  
21 together.

22 Q. Okay. And when is the next time you had any  
23 contact with her?

24 A. When she came back to ATF. She came to the  
25 gang group, which was a group I supervised.

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1 Q. And how did you find out that she was  
2 returning?

3 A. My supervisor informed me.

4 Q. Who was your supervisor at that time?

5 A. [REDACTED]

6 Q. He was your ASACH?

7 A. Yes.

8 Q. Okay. And were you surprised she was  
9 returning?

10 A. No. I -- no.

11 Q. Okay. Did you ask him not to put her in your  
12 group?

13 A. Yes.

14 Q. Why?

15 A. Because of her reputation. She had a poor  
16 reputation.

17 Q. What did she have a reputation for?

18 A. Of not being a worker.

19 Q. Could you explain what you mean by that?

20 A. Not being aggressive towards obtaining and  
21 investigating criminal cases as some of the other agents  
22 were.

23 Q. And when you say she had this reputation, since  
24 you didn't work with her, where did you get that  
25 information?

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1 A. From other coworkers.

2 Q. And those coworkers told you this when she was  
3 returning? Because you didn't have a sense of her  
4 before she left, did you?

5 A. 'No. I -- I believe I had heard that at the  
6 time that she had left.

7 Q. Who do you remember hearing that from?

8 A. Oh, I -- probably a handful of people. I don't  
9 remember names.

10 Q. A handful of people --

11 A. That was a long time ago.

12 Q. A handful of people would have been like a  
13 quarter of the office, right, if there were 20 agents  
14 there?

15 MS. CHAN: Object --

16 BY MR. WING:

17 Q. A handful would be five --

18 MS. CHAN: Object to the form.

19 BY MR. WING:

20 Q. -- is that about right?

21 MS. CHAN: Answer if you know.

22 THE WITNESS: A handful to me would be three to  
23 five, or more.

24 BY MR. WING:

25 Q. And essentially your description of her having



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1 a poor reputation is that she didn't work hard.

2 Is that a fair summary or is it different than  
3 that?

4 A. It's that and -- and more.

5 Q. Please explain.

6 A. I think the "more" would be I think her  
7 attitude would precede her. Some people had a hard time  
8 working with her based, from my understanding, primarily  
9 on personality differences.

10 Q. What did you understand those kind of  
11 personality differences to be?

12 A. I didn't have an understanding of them. I had  
13 never worked with her. I had just heard the  
14 conversations through other people.

15 Q. Did they say that she was quiet or loud  
16 or -- you said she wasn't aggressive in getting cases.  
17 What kind of personality differences did you understand  
18 there to be?

19 A. The personality differences that I understood  
20 would be that she was bossy. I think I remember hearing  
21 someone describing her as being pushy or bossy. I don't  
22 remember any other specific characterization of her, of  
23 her character.

24 Q. At the time that she came back to work in  
25 ATF -- which is about what year? 2009?

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1 A. Yeah. It could have been 2008, 2009.

2 Q. Okay. -- was the office about the same size,  
3 about 20 agents?

4 A. It may have been a little bigger because we had  
5 the -- the gang group had been formed then, and that was  
6 another 68 agents.

7 Q. So it may have been more like 25 to 30?

8 A. As a guess, yes.

9 Q. Okay. What did [REDACTED] tell you about  
10 Cheryl Bishop?

11 A. [REDACTED] told me that she was coming back to work.  
12 [REDACTED] also told me that based upon her lawsuit to come back  
13 to ATF, [REDACTED] told me that she had a -- I guess it was a  
14 privilege, he called it, a right of -- a right of  
15 refusal; a right of first refusal, maybe. And [REDACTED] told  
16 me that she could select what group she wanted to come  
17 to, and that she had selected my group, the gang group.

18 Q. So [REDACTED] was telling you you were stuck with her?

19 A. Yes.

20 MS. CHAN: Object to the form. Go ahead and  
21 answer.

22 THE WITNESS: And that's when I asked if --  
23 based upon her reputation, I would rather her not come  
24 in my group.

25 / / /

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1 BY MR. WING:

2 Q. What did [REDACTED] say about your perception of her  
3 reputation?

4 A. I don't remember what [REDACTED] said about -- I didn't  
5 ask. [REDACTED] didn't, I don't believe say, anything about my  
6 perception of her reputation, but [REDACTED] said she was coming  
7 to my group.

8 Q. Did [REDACTED] say she was a good agent?

9 A. No.

10 Q. Did [REDACTED] --

11 A. [REDACTED] didn't say she was a bad agent or a good  
12 agent. I don't -- I don't remember any comments,  
13 positive or negative, from [REDACTED].

14 Q. Did you tell [REDACTED] why you didn't want her to  
15 work in your group?

16 A. No. I think [REDACTED] just understood based upon  
17 prior reputation. I didn't explain anything to [REDACTED]. I  
18 don't remember [REDACTED] asking for an explanation, either.

19 Q. Okay. You can tell visually that Cheryl Bishop  
20 is African American; is that right?

21 A. Yes.

22 Q. Okay. And when you mentioned that [REDACTED]  
23 told you about her lawsuit, did he tell you that it  
24 was -- what kind of lawsuit it was?

25 A. No.



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1 Q. But you understood --

2 A. He -- he may have told me it was an Equal  
3 Employment Opportunity lawsuit. He may have -- I don't  
4 remember exactly what he said.

5 Q. Okay.

6 A. Or if [REDACTED] did say anything. ;

7 Q. That was your impression?

8 A. I did know --

9 Q. Was that your impression, that it was an EEO?

10 A. For some reason it is my impression, but I  
11 could be wrong on that. I don't know.

12 Q. So you -- she joined your team, your group, the  
13 gang group. And is it true on the very first day, that  
14 you sent her out on a mission even though she told you  
15 she did not have a bulletproof vest?

16 A. I don't remember that, no.

17 Q. Does that mean it didn't happen or you just  
18 don't remember it?

19 A. I don't remember that. What was the mission  
20 she's alleged? I wouldn't -- if I knew she had -- if  
21 she -- if she didn't have a bulletproof vest and I knew  
22 that, I wouldn't -- I wouldn't intentionally send her  
23 out on a deal -- on something that I thought she would  
24 be hurt or not protected.

25 Q. That would be unsafe, right?



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1 A. Yes.

2 Q. Okay. So you're not saying it didn't happen;  
3 you just don't remember it; is that correct?

4 A. That's correct. Actually, I will say it didn't  
5 happen because if I knew she didn't have a bulletproof  
6 vest, I wouldn't have sent her out to be in harm's way.

7 Q. You don't ever remember her telling you that  
8 she did not have a bulletproof vest, at any time?

9 A. No, I don't remember that.

10 Q. What is your best understanding of what this  
11 lawsuit is about?

12 A. My understanding is that she is suing based  
13 upon -- she believed my -- my comments, my communication  
14 to her was made to her based upon her race.

15 Q. Which comments?

16 A. Which comments that I made? Is that what  
17 you're asking me?

18 Q. Yes.

19 A. That I called her a train wreck, that I  
20 referred to her as a train wreck. And that I -- and  
21 that I -- I sent cartoon jokes to the group that she  
22 felt was offensive.

23 Q. Okay. Who did you call her a train wreck to?

24 A. Some U.S. Attorneys that I was speaking to.

25 Q. Who are they?

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1 A. They were in Eugene. There was two or three of  
2 them standing there. One was [REDACTED] (phonetic).

3 Q. Would you spell that, please?

4 A. I don't know how to spell it. I believe it's  
5 [REDACTED] I'm sorry. [REDACTED] - I don't know.

6 Q. Okay.

7 A. I don't know.

8 Q. All right. And who are the other two or three?

9 A. I honestly don't remember. I remember we were  
10 standing in a hallway. One may have been -- I'm trying  
11 to think of his name.

12 Q. Can you describe him?

13 A. He's an older gentleman. He's getting ready to  
14 retire. He's in Eugene. He does all of our career  
15 criminal cases. If I heard his name, I could tell you.

16 Q. Okay.

17 A. And then the third person, it may have not been  
18 an AUSA. It may have been one of the other assistants,  
19 with the legal assistant there. I don't remember who it  
20 was.

21 Q. I don't quite understand what you mean, "a  
22 little assistant there."

23 For the U.S. Attorney's office?

24 A. Yes.

25 Q. Okay.

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1 A. Yes. I don't -- I don't remember who that  
2 third person was.

3 Q. A man or a woman?

4 A. I don't remember. It could be a woman.

5 Q. The two AUSAs that you know you spoke to, those  
6 were both men?

7 A. Yes.

8 Q. Okay. And how did this come up, that you told  
9 them that she was a train wreck?

10 A. There was a prospect of me leaving Eugene to go  
11 to Washington, D.C. for another position, and they had  
12 asked me -- I was -- I was away from the office for a  
13 week or two, and Cheryl Bishop had came down to be the  
14 acting supervisor for Eugene.

15 And after I had got -- after her acting  
16 supervisor time was -- was complete and I had returned  
17 to Eugene, they had asked me, "Is Cheryl Bishop" -- "who  
18 is Cheryl Bishop and is she going to be good for Eugene?  
19 What's she like?" They said, "What's she like?" And I  
20 told them she was a train wreck.

21 Q. Okay. And did they ask you what you meant?

22 A. Yeah. They may have asked something further.  
23 They may have asked, "What do you mean by that?"

24 I believe I replied, "She has very  
25 little" -- "very little experience, very little street



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1 experience."

2 Q. Did you say anything else?

3 A. No. It was a very short conversation.

4 Q. Did they seem dismayed --

5 A. No.

6 Q. -- to hear that -- you -- you said they asked,  
7 "Is she going to be good for Eugene?"

8 A. Yes.

9 Q. Why did they think that she would be in Eugene?

10 A. They had heard that she was interested in the  
11 supervisor job in Eugene, replacing me. They had heard  
12 that she was interested and may put in for that  
13 position.

14 Q. Okay. And the message you gave them was if she  
15 does take that job, that will be bad news for Eugene?

16 MS. CHAN: Object to the form. Answer if you  
17 know.

18 THE WITNESS: The message I gave them was  
19 simply, "She's a train wreck." I didn't -- I didn't  
20 describe it any further.

21 BY MR. WING:

22 Q. Why did you choose to describe her as a train  
23 wreck?

24 A. That was an -- that was an accurate description  
25 for me.

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1 Q. Okay. You've described that you thought she  
2 had little street experience, and that some people  
3 thought she was bossy, and that she wasn't aggressive on  
4 getting criminal cases.

5 Does that all amount to a train wreck or is  
6 there more?

7 A. Well, in my mind, there's more.

8 Q. Please explain.

9 A. I think that reputation is very important in  
10 law enforcement. And I -- I knew that before she came  
11 to my group, her -- her reputation was poor. And then  
12 when she -- when she arrived in my group, she  
13 worked -- I was her supervisor for -- I'm guessing about  
14 a year, maybe a little bit more. She didn't have many,  
15 if any, cases on her own.

16 I remember one significant case, the only one  
17 that she worked was one that another agent worked prior  
18 to her, and I had transferred it to her. But I do  
19 remember Cheryl completing that case and -- and doing  
20 fairly well when she got that case.

21 The other point that stands out in my mind  
22 is -- is the other agents in the group had -- had a  
23 difficult time getting along with her, or maybe she had  
24 a difficult time getting along with them.

25 Q. In what way?



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1           A. She was bossy. She would try to tell them how  
2 to do their job, many of which had many, many years of  
3 experience and were very, very competent.

4           Q. Did they complain to you?

5           A. A couple of them did, yes.

6           Q. Did you go to Cheryl and say, "Knock it off.  
7 Your colleagues think you're bossy"?

8           A. No, no.

9           Q. Did you give her any feedback?

10          A. I remember giving her feedback about a report  
11 she wrote one time. I tried to give her opportunities  
12 to work so that I could see what she could do. And I do  
13 remember giving her positive feedback one time about a  
14 report that she had written.

15          Q. Okay. Did you ever go to your ASACH and say,  
16 "Cheryl's a train wreck. What do I do with her?"

17          A. No.

18          Q. Why not?

19          A. I felt I could work with her.

20          Q. Did there come a time when you quite literally  
21 got in her face when she was in your office?

22          A. No, I didn't get in her face. She -- that was  
23 a time where there was -- I don't even remember what the  
24 dispute was. But I had sent an e-mail out about  
25 gossiping, about talking negatively about other people,

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1 and I believe it may have been something about the  
2 assignment of a government car. But it involved the  
3 Portland group, the Portland enforcement group. And I  
4 don't remember all the details on it, but I remember a  
5 couple of people that said, "Hey, this is" -- you know,  
6 "this is kind of getting out of hand. There's just  
7 some" -- "some gossip and some talk, and it's" -- "it's  
8 not good."

9 So I sent an e-mail out to the group, included  
10 Cheryl in it, suggesting that they stop -- they stop the  
11 gossiping, and if there's any -- if they had any issues,  
12 to work with those agents who they had issues with; try  
13 to work it out themselves first, and if not, they could  
14 come to me.

15 Cheryl had came into my office and -- and had  
16 leaned over my desk and had demanded that I -- that I  
17 talk about this with her, and that she know why I sent  
18 her the e-mail. And I immediately said, "I'm not going  
19 to do that. It's none of your business."

20 And I did that mostly because of the way that  
21 she approached me and her demeanor. I wasn't going  
22 to -- I wasn't going to put up with it. And she --

23 Q. Go ahead.

24 A. She -- she -- she said she demanded to know  
25 what it was, and that if I sent her the e-mail, that

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1 she -- she needed to know. And she -- she actually put  
2 her hands on my desk and leaned over to me -- leaned  
3 over towards me. And when she did that, I -- I stood up  
4 and I said, "Get the hell out of my office."

5 Q. Did you come around from your desk?

6 A. I may have -- it was an L-shaped desk. I may  
7 have come around the L side, yes.

8 Q. And did you walk up to her face to face?

9 A. No closer than you and I.

10 Q. And would you say that's a couple feet?

11 A. Yeah, probably 3 feet.

12 Q. Did you raise your hand?

13 A. I may have pointed to the door. I may have  
14 said, "Get the hell out of my office" (indicating). I  
15 may have. I don't remember, but --

16 Q. Did you make a fist?

17 A. No, no.

18 Q. Did Ms. Bishop submit a complaint about this?

19 A. Yes.

20 Q. And who did she submit a complaint to?

21 A. I believe it was one of the ASACHs. Could have  
22 been ASACH [REDACTED] or it could have been  
23 [REDACTED]

24 Q. And what happened?

25 A. ASACH [REDACTED] asked me to come to his office



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1 and asked me to explain what had happened. So I told  
2 him. And while I was explaining, the other ASACH, [REDACTED]  
3 [REDACTED] came in, and they both listened to my explanation  
4 as to what happened. And they did -- they said "okay."  
5 I remember [REDACTED] said, "I would have told her the  
6 same thing myself."

7 Q. So you felt supported by your ASACHs?

8 A. Yes, I did.

9 Q. Was this -- would this be 2009 --

10 A. Could be.

11 Q. -- approximately?

12 A. Could be, yes.

13 Q. Okay.

14 A. I would guess 2008 or '09.

15 Q. So what's the deal with the e-mails? You used  
16 to circulate jokes to your team; is that right?

17 A. Yes.

18 Q. Okay. And during the course of the past couple  
19 years, did you have an opportunity to look at those  
20 e-mails?

21 A. Yes.

22 Q. What do you think? Poor judgment circulating  
23 the e-mails or would you do it again?

24 A. After this experience, I would not do it again.

25 Q. And why is that?

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1           A. Because I know that some people may feel  
2           offended by those.

3           Q. Could you see where some of the e-mails would  
4           have a racial tinge to them?

5           A. I -- I have a hard time seeing that. To me,  
6           they were -- they were humorous, but I can -- I can  
7           understand how someone might be offended by it.

8           Q. How long did you continue the practice of  
9           sending e-mails like that to your group?

10          A. Oh, I did that for most of the time I was a  
11          supervisor of the group. I did it often. If I found  
12          something that came across, a joke or something that was  
13          forwarded to me that I -- that I found was humorous,  
14          I -- I forwarded the humor on.

15          Q. And so that continued until when?

16          A. Oh, it could have continued until -- until I  
17          left that group, 2011.

18          Q. And why did you stop at that point? Or did you  
19          continue, just with your new group?

20          A. Sometimes I will still forward humorous stuff.  
21          I'll continue to forward humorous stuff today.

22          Q. And what collection of people do you send that  
23          to?

24          A. My group, people -- people outside of my group,  
25          friends and acquaintances that I -- that I have, just



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1 from work.

2 Q. Okay. And that comes through on the ATF  
3 e-mail --

4 A. Yes.

5 Q. -- right?

6 A. Yes.

7 Q. Okay. Has anybody ever told you not to do  
8 this?

9 A. No.

10 Q. Has anybody ever asked you for copies of the  
11 e-mails that you send?

12 A. Yes.

13 Q. Who?

14 A. The ATF counsel, the attorney of ATF counsel.

15 Q. When was this?

16 A. It could have been within the last year or  
17 less.

18 MS. CHAN: And I'm going to object for the  
19 record to the extent that this calls for any content  
20 about those e-mails or any communications with counsel  
21 based on attorney/client privilege.

22 MR. WING: Okay. I'm going to ask some  
23 clarifying questions. I'll give you time to object.

24 BY MR. WING:

25 Q. Was it your understanding that this was -- that

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1 this request to you was related to Cheryl Bishop's  
2 lawsuit?

3 A. Yes.

4 Q. Okay. Were you ever asked for such e-mails for  
5 the purpose of -- as you understood it, supplying  
6 documents that were responsive to Ms. Bishop's lawyers'  
7 requests? In other words, was it your understanding  
8 that we were requesting these e-mails?

9 A. Yes. The -- yes. The most recent one was my  
10 understanding -- I'm sorry. It was my understanding  
11 that ATF litigation counsel had asked for them. I  
12 don't -- it was not my understanding that -- that you or  
13 anybody representing Cheryl Bishop had asked for them.

14 Q. Okay. How did you go about searching those  
15 e-mails?

16 A. I was sent instructions on -- excuse me. I was  
17 sent instructions on how to search. And I also -- I  
18 also provided the serial -- make, model, and serial  
19 numbers of the laptop that I have had, and any cell  
20 phones, government-issued cell phones to them.

21 Q. The make, model, and serial numbers?  
22 That's -- or did you give them the cell phone itself?

23 A. Actually, I -- no, I didn't give them the cell  
24 phone. But they asked for the serial number and the pin  
25 number, I believe, of -- of -- I'm sorry -- of the

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1 laptop and the cell phones. And they also asked for a  
2 snapshot of my iTunes, iCloud.

3 Q. Okay. How often do you synch up your phone  
4 with iTunes?

5 A. I don't use iTunes. I --

6 Q. So you've never synched your phone?

7 A. I don't know. I'm not -- my kids help me with  
8 my phone. I -- if I -- if I synch my phone, it  
9 was -- it was through help through the -- through the  
10 help desk because my phone stopped working or something.

11 Q. Okay. So did you check your cell phone for  
12 text messages?

13 A. Yeah. Yes.

14 Q. And did you find any?

15 A. No.

16 Q. How -- what did you -- how did you go about  
17 searching your phone?

18 A. I -- I searched all my text messages that I  
19 have.

20 Q. Do you generally delete your text messages or  
21 do they just accumulate?

22 A. I have deleted some in the past, but they  
23 usually just accumulate.

24 Q. And when you -- you didn't just, like,  
25 physically go through and read all of your text

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1 messages, did you?

2 A. No. I looked for --

3 Q. You searched by a term?

4 A. Yeah.

5 Q. What did you search?

6 A. Cheryl Bishop.

7 Q. Anything else?

8 A. No. I searched e-mails like that, too.

9 Q. So only texts that has her full name would show  
10 up?

11 A. I don't know if it was her -- if it would have  
12 shown up her full name or her just -- or her first or  
13 last name. I don't -- I don't know. I don't know  
14 how it would come up.

15 Q. And you found no texts that had Cheryl or  
16 Bishop or Cheryl Bishop?

17 A. Correct.

18 Q. And how far back does your phone go?

19 A. I don't know.

20 Q. When is the last time you got a new phone?

21 A. Probably a year ago, I think, or less, maybe.  
22 Maybe -- maybe less.

23 Q. And before you got that new phone, did you get  
24 help preserving whatever was on your phone somewhere and  
25 then have it put on your new phone?



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1           A. There were instructions on when we get a new  
2 phone on how we carry over all of the -- the apps, I  
3 guess, and the -- and the phone numbers. That's --  
4 that's all I'm aware of.

5           Q. So you think that you've lost all of your  
6 texts?

7           MS. CHAN: Object to --

8 BY MR. WING:

9           Q. -- from before this past year?

10           MS. CHAN: Object to the form of the question.  
11 Foundation, speculation. Answer if you know.

12           THE WITNESS: Repeat the question, please.

13 BY MR. WING:

14           Q. Do you believe that you've lost all the texts  
15 that you sent or received before this past year?

16           MS. CHAN: Object to the form of the question.  
17 Foundation, speculation. Answer if you know.

18           THE WITNESS: I have no idea. I -- if -- they  
19 could be there. I --

20 BY MR. WING:

21           Q. Do you have your phone with you?

22           A. Yeah.

23           MS. CHAN: We would object to you looking right  
24 now.

25           MR. WING: I'm not going to look. I'm going to

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1 ask him.

2 MS. CHAN: I think there's a separate request  
3 for production or whatever that you sent out. We'll  
4 refer to that request for any review of any texts that  
5 you have. That's not part of this particular deposition  
6 request. So if you have questions to ask him, he can  
7 answer.

8 BY MR. WING:

9 Q. Well, I'm going to ask you to look at your  
10 phone and see if you have texts that go beyond the past  
11 year.

12 MR. WING: Are you instructing him not to do  
13 that?

14 MS. CHAN: I'm instructing -- well, you already  
15 have -- this is for his -- any questions that you have,  
16 but not specific to the phone that he has. The phone is  
17 government property. So you already have a request for  
18 production put out with respect to the phone and  
19 laptops, right? And so that's something that we'll  
20 respond to separately.

21 MR. WING: I don't see what the objection is.  
22 I'm asking him to look at his phone --

23 MS. CHAN: Uh-huh.

24 MR. WING: -- and I don't think that there's a  
25 legitimate objection to prevent him from looking at his

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1 phone and telling me that information.

2 MS. CHAN: Okay. Well, why don't we table that  
3 for a break and if you have continuing questions on it,  
4 and I'll follow up and see if we can work something out.  
5 Okay?

6 MR. WING: Okay.

7 MS. CHAN: But for now I'm directing him not to  
8 do that. Because I just want to make sure that we give  
9 accurate responses to you, you know, for some -- you  
10 know, iPhones can be kind of an opaque thing, especially  
11 if they're, you know, the government phones that we  
12 don't -- we're not -- you and I lay people are not, you  
13 know, custodians of, if that makes sense.

14 MR. WING: I agree with you. I don't think  
15 there's been any response to what you're doing in  
16 response to that request other than, "We object." So --

17 MS. CHAN: Right. And there's a specific -- I  
18 believe a specific RFP out that you sent to that.

19 MR. WING: Uh-huh.

20 MS. CHAN: So I just want to make sure that the  
21 right people are addressing the right tech, right? And  
22 if --

23 MR. WING: Uh-huh.

24 MS. CHAN: -- we're just doing it here sort of  
25 ad hoc, I just don't -- I want to make sure that our



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1 responses are accurate. So I'll follow up if we take a  
2 break later and then -- to see if that's still our  
3 position. Okay?

4 MR. WING: Okay.

5 BY MR. WING:

6 Q. Okay. At some point in time -- where were you  
7 when Cheryl Bishop became a canine handler? Where were  
8 you located?

9 A. I don't know. Do you remember what year it was  
10 she became a canine handler?

11 Q. So it -- maybe 2015. So you might have been in  
12 Eugene?

13 A. I would have been in Eugene.

14 Q. Okay.

15 A. Summer of 2015, I got to Eugene.

16 Q. It's got to be before that. Okay.

17 Anyway, you knew that she was a canine handler  
18 at some point, right?

19 A. Yes.

20 Q. Did you ever work a scene with her when she was  
21 a canine handler?

22 A. I probably did, yes.

23 Q. Okay. Did you ever develop any opinions about  
24 her skills or abilities as a canine handler?

25 A. No. I thought she did fine as a canine



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1 handler.

2 Q. Okay. And at some point, did you learn that  
3 she had applied for a detail in Washington, D.C.?

4 A. I did hear that she was considering a detail in  
5 Washington, D.C. --

6 Q. Who told --

7 A. -- a one-year detail.

8 Q. Who told you that?

9 A. I -- I don't know who told me that.

10 Q. Do you know other canine handlers?

11 A. I know of a past canine handler.

12 Q. Who is that?

13 A. [REDACTED]

14 Q. And where is [REDACTED] located?

15 A. He has recently been transferred to the tracing  
16 center, and I believe it's Martinsburg, Virginia or West  
17 Virginia.

18 Q. I think it's West Virginia.

19 A. West Virginia.

20 Q. And where was he before that?

21 A. Portland.

22 Q. Okay. And what did he do in Portland?

23 A. He was the supervisor.

24 Q. So that would be a RAC, R-A-C?

25 A. Yes.

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1 Q. Okay. So while you were a RAC in Eugene, he  
2 was a RAC in Portland?

3 A. Yes.

4 Q. Okay. And is that where [REDACTED] also  
5 was a RAC?

6 A. She was.

7 Q. She was?

8 A. Yes.

9 Q. Okay. She's not there anymore?

10 A. Correct. She's retired.

11 Q. Do you know where she's retired to?

12 A. I believe she lives in the Vancouver area;  
13 Vancouver, Washington, I believe.

14 Q. So were they RACs there at the same time or is  
15 there only one RAC in Portland?

16 A. There was two there at one time. So when I  
17 went to Portland in 2011, there were two groups.  
18 [REDACTED] was the supervisor of one, which was the arson  
19 and explosive group, and I was the supervisor of the  
20 other one. It was just a gun group.

21 Q. Okay. So do you think that [REDACTED] told you  
22 that -- well, strike that first.

23 He had been a canine handler?

24 A. Yes, but I believe he was a canine handler in  
25 California.

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1 Q. Okay. And do you believe he's the one who told  
2 you that Cheryl Bishop had applied for a TDY in  
3 Washington, D.C.?

4 A. No, I don't -- I never discussed that with [REDACTED]  
5 [REDACTED], that I can remember.

6 Q. Who do you remember discussing it with?

7 A. Probably someone in Seattle.

8 Q. [REDACTED]?

9 A. I don't -- I don't remember.

10 Q. You know [REDACTED]?

11 A. Yes, I know [REDACTED]. Yes, I know [REDACTED].

12 Q. You knew that he was a canine handler, right?

13 A. Yes. Yes, he was.

14 Q. And he had become an ASACH; is that right?

15 A. No. He's not an ASACH. He's a -- he's in  
16 Mexico somewhere as a -- I don't know what his title is,  
17 but he's -- he's not an ASACH.

18 Q. Okay. How did you know he's in Mexico?

19 A. I talked to him before he left, before he  
20 moved.

21 Q. Where was he before he moved?

22 A. Seattle.

23 Q. Okay. And what was his job in Seattle before  
24 he moved?

25 A. He was the supervisor of the arson explosive

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1 group in Seattle.

2 Q. Okay. Did you ever have discussions with  
3 him -- strike that.

4 Do you know what his opinion of Cheryl Bishop  
5 is?

6 A. I don't.

7 Q. So who else in the Seattle office might have  
8 told you that Cheryl Bishop was applying for a TDY in  
9 D.C.?

10 A. I'm trying to think.

11 MS. CHAN: Objection, asked and answered.  
12 Answer if you know.

13 THE WITNESS: That was several years ago. I  
14 can't remember specifically who I heard that from. If  
15 it comes to me, I'll tell you.

16 BY MR. WING:

17 Q. Okay.

18 A. But right now I don't -- I couldn't tell you  
19 who it was.

20 Q. Have you remembered who the other AUSA is?  
21 We've got [REDACTED]--

22 A. [REDACTED]

23 Q. [REDACTED]

24 A. My gosh, I'm sorry. I can't --

25 Q. All right.



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1           A. I know him. I can see his face. I have talked  
2 to him many times. But right now his name is escaping  
3 me. I apologize, but --

4           Q. It's okay. Tall? Short? You said he's an  
5 older man.

6           A. Uh-huh. He's probably 60, 65. He's getting  
7 ready to retire.

8           Q. Clean shaven?

9           A. Yeah.

10          Q. Wears glasses?

11          A. Huh-uh. No.

12          Q. Thin?

13          A. Average build.

14          Q. Large?

15                 Okay. So you found out that Cheryl was  
16 applying for this TDY. What, if anything, did you do in  
17 response to that information?

18          A. Nothing.

19          Q. Were you surprised?

20          A. No.

21          Q. It made sense, right? Same kind of thing that  
22 you had been encouraged to do, right?

23          A. Yes.

24                 MS. CHAN: Object to the form. Answer if you  
25 know.

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1 BY MR. WING:

2 Q. It's a way to move up within the ATF, right?

3 A. Yes.

4 Q. Okay. Did you learn what type of job she was  
5 going to get?

6 A. No. I -- no. I had heard that she was looking  
7 at a one-year temporary duty assignment in headquarters.  
8 I wasn't for sure which -- where she was going or what  
9 position she was going to get. I don't know.

10 Q. Okay. And this didn't really mean much to you;  
11 is that right?

12 A. Correct.

13 Q. Okay. At some point later, did it mean  
14 something to you?

15 A. No.

16 Q. Did you complain to the management in the  
17 Seattle field office that your own transfer had been  
18 scuttled and you were bothered that Cheryl Bishop might  
19 get a TDY in D.C.?

20 A. Yes, that I believe. Yes, I believe I did say  
21 that.

22 Q. Okay. And how long after you learned about her  
23 TDY did you have that conversation?

24 A. I don't remember how long after it was.

25 Q. Weeks?

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1 A. Probably. Probably pretty -- probably --  
2 probably very quickly after I heard about it.

3 Q. Because when I asked you what, if anything, did  
4 you do, you said nothing. It didn't really mean much to  
5 you. Now it means a lot.

6 A. Yes.

7 Q. So which is it?

8 A. Well, it's not that it means a lot. It was --  
9 I was frustrated because I had been expelled from  
10 Washington, D.C., for my job. And then I -- then I  
11 heard that Cheryl Bishop was getting a TDY, which was  
12 a -- you're paid per diem for one whole year.

13 So I was frustrated because I -- because I lost  
14 my -- my potential for -- for a promotion and an  
15 increase in pay, because the COLA is much higher in  
16 Washington, D.C., so -- so I was expelled, and she was  
17 offered a position. And I -- and I remember mentioning  
18 that to my supervisor.

19 Q. Who was that?

20 A. That was [REDACTED]

21 Q. Okay. What did you do? How did you mention it  
22 to [REDACTED] Did you call [REDACTED] up?

23 A. I either called [REDACTED] or I saw [REDACTED] in person. I  
24 don't remember.

25 Q. How often did [REDACTED] come down to Eugene?

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1 A. Once or twice, maybe. [REDACTED] came to Portland  
2 once or twice when I was a supervisor there.

3 Q. Okay.

4 A. And I believe --

5 Q. I'm sorry. Go ahead.

6 A. And then I believe [REDACTED] came to Eugene once,  
7 too.

8 Q. During the time that [REDACTED] was an ASACH, [REDACTED] came  
9 down once?

10 A. [REDACTED] came to Portland more than once.

11 Q. Okay.

12 A. I remember [REDACTED] coming to Eugene one time.

13 Q. Okay. Was that for the Rose --

14 MS. CHAN: Roseburg.

15 BY MR. WING:

16 Q. -- Roseburg --

17 A. Shooting?

18 Q. -- shooting?

19 A. [REDACTED] didn't stop in Eugene there. I believe she  
20 stayed in Roseburg.

21 Q. Okay.

22 A. But, yeah, [REDACTED] was there. [REDACTED] was in Roseburg  
23 for that -- that college shooting.

24 Q. So you either had to be in Portland or the one  
25 time that [REDACTED] was in Eugene to have this conversation or



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1 else you had to do it by phone?

2 A. Correct.

3 Q. Okay. And was anybody else with you when you  
4 spoke with [REDACTED]

5 A. Probably not, no.

6 Q. So you don't think [REDACTED] was part of  
7 this?

8 A. No.

9 Q. It was just you and [REDACTED]

10 A. Yes.

11 Q. Okay. And what did you tell [REDACTED]

12 A. I told [REDACTED] that I was -- I remember expressing  
13 that I was pretty frustrated that -- that Cheryl got a  
14 position after I was expelled, and I thought that was --  
15 that was kind of unfair.

16 Q. Now, is your language a little tame because  
17 you're in a deposition right now? I mean, would you  
18 have expressed this much more forcefully?

19 A. Yeah.

20 MS. CHAN: Object to the form. Answer if you  
21 know.

22 BY MR. WING:

23 Q. Yes?

24 A. Yes, I would have.

25 Q. Okay. Did you feel that Cheryl Bishop was to

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1 blame for you getting expelled from Washington, D.C.?

2 A. No.

3 Q. Who do you blame for that?

4 A. The upper management that actually expelled me.

5 Q. And what is your understanding of the reason  
6 why they expelled you?

7 A. Because of my comment referring  
8 Cheryl -- referring to Cheryl Bishop as a train wreck,  
9 and the -- and the cartoons sent via e-mail.

10 Q. But you don't blame Cheryl Bishop for  
11 complaining about those things?

12 A. No, I don't blame her for complaining.

13 Q. Why were you upset that she was getting the  
14 TDY? Why is that relevant at all to you getting  
15 expelled?

16 MS. CHAN: Object to the form. Answer if you  
17 know.

18 THE WITNESS: So you're asking me why I --

19 BY MR. WING:

20 Q. Why did you care if she got a TDY? Why is that  
21 relevant to you -- why is it unfair that she got --  
22 would get to go to D.C. and you wouldn't get to go?

23 MS. CHAN: Object to the form. Answer if you  
24 know.

25 THE WITNESS: I thought it was unfair for

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1 myself, not for Cheryl Bishop. I thought that I was  
2 being treating unfairly, not Cheryl Bishop.

3 BY MR. WING:

4 Q. I get -- I get that you felt you were not being  
5 treated fairly, but why were you comparing how you were  
6 being treated with Cheryl?

7 MS. CHAN: Object to the form, misstates prior  
8 testimony. Answer if you know.

9 THE WITNESS: Why would I compare --

10 BY MR. WING:

11 Q. How she was being treated with how you were  
12 being treated?

13 MS. CHAN: Object to the form. Answer if you  
14 know.

15 THE WITNESS: Compare how she was being treated  
16 with how I was being treated -- I thought -- I thought  
17 that she was -- she was being given, like, preferential  
18 treatment because the EEO complaint was still in  
19 process.

20 BY MR. WING:

21 Q. You thought she was being given preferential  
22 treatment because she had filed an EEO complaint?

23 A. Yes.

24 Q. Okay. How did you know she had filed an EEO  
25 complaint?



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1 A. Because I was asked to give a -- a written -- I  
2 believe they call it interrogatory or -- I was asked to  
3 give a written statement.

4 Q. Okay. In the complaint that she made --  
5 regarding the complaint that she made?

6 A. Yes.

7 Q. Okay. So did anyone tell you that she had  
8 applied for the TDY before ever filing an EEO complaint?

9 A. I don't remember. The time frames, I  
10 don't -- I couldn't tell you what happened first,  
11 second, and third.

12 Q. Okay. When you spoke to [REDACTED] and you  
13 said, "I think this is really unfair," what did she say?

14 A. I don't even remember what [REDACTED] said. I  
15 think [REDACTED] listened to me vent, and I think  
16 that's -- that was probably her purpose. I don't think  
17 [REDACTED] could really do anything. But I don't remember  
18 [REDACTED] -- I don't remember [REDACTED] comments.

19 Q. Now, you had had a phone call with [REDACTED] and [REDACTED]  
20 [REDACTED] in which they told you that they had no choice  
21 but to refer Cheryl Bishop's complaint about you to IAD;  
22 is that correct?

23 A. Yes.

24 Q. And did you say to them, "Why didn't you give  
25 me a heads-up before that?"



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1 A. Yes.

2 Q. And what did they tell you?

3 A. They said they couldn't.

4 Q. Did that surprise you?

5 A. Yes.

6 Q. Why did it surprise you?

7 A. It didn't make any sense to me. I thought that  
8 they should have probably called me and at least learned  
9 of the situation about what happened before they  
10 forwarded it.

11 Q. Okay.

12 A. I thought there -- I thought there should have  
13 been a little bit of inquiry -- inquiry on their part  
14 first.

15 Q. Did you tell them what happened?

16 A. Yes.

17 Q. Did you tell them that you had -- in that  
18 conversation, did you tell them that you had called  
19 Cheryl Bishop a train wreck to U.S. Attorneys?

20 A. Yes.

21 Q. Did you -- what was their reaction to that?

22 A. I don't think they had much of a reaction.

23 Q. Did you get the impression they thought it was  
24 no big deal?

25 A. No, I didn't get that impression at all.

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1 Q. What kind of impression did you get?

2 A. I got the impression that it was a big deal  
3 because they had -- they had talked with ATF counsel and  
4 it ultimately got referred to Internal Affairs. So that  
5 was my sign it was a big deal.

6 Q. Have you come to recognize that it was not  
7 something you should have done or do you sort of shrug  
8 it off like, Okay, it's just a difference of opinion?

9 MS. CHAN: Object to the form. Answer if you  
10 know.

11 THE WITNESS: I don't shrug it off.

12 What was your question?

13 BY MR. WING:

14 Q. Do you think it was fine?

15 A. Do I think it was fine as to what I --

16 MS. CHAN: Object -- go ahead. Object to the  
17 form.

18 BY MR. WING:

19 Q. Do you think it was fine for you to tell AUSAs  
20 that Cheryl Bishop was a train wreck?

21 MS. CHAN: Object to the form. Answer if you  
22 know.

23 THE WITNESS: Yes, I do.

24 BY MR. WING:

25 Q. Have you ever told anyone that you thought

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1 she's worthless?

2 A. Yes, I probably did.

3 Q. Who do you think you told that to?

4 A. Probably maybe some peers that I work with.

5 Q. Like who?

6 A. I don't know.

7 Q. [REDACTED]

8 A. It's possible.

9 Q. What about [REDACTED]

10 A. That's possible, too.

11 Q. You were a fairly tight with those two; is that  
12 right?

13 A. Yes. I still am.

14 Q. And who else would you say you're tight with?

15 A. Everybody in my group in Eugene. Nearly  
16 everyone in Portland. There's several agents in Seattle  
17 that I'm -- I'm friends with. I've worked with them for  
18 many years.

19 Q. Would you say that all those people know how  
20 you feel about Cheryl Bishop?

21 MS. CHAN: Object to the form. Foundation.  
22 Answer if you know.

23 THE WITNESS: Yes.

24 MR. WING: Okay.

25 MS. CHAN: Can we take a quick --

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1 MR. WING: Yeah, sure.

2 MS. CHAN: -- five-, ten-minute break? Okay.

3 THE VIDEOGRAPHER: Off the record at 11:12.

4 (Recess)

5 THE VIDEOGRAPHER: Back on the record at 11:32.

6 BY MR. WING:

7 Q. Mr. Devlin, after -- strike that.

8 Was it your understanding that IAD declined any  
9 action toward you and referred the matter of Cheryl  
10 Bishop's complaint back to management?

11 A. Yes.

12 Q. And did you then have a conversation with  
13 [REDACTED] on the phone, and what did [REDACTED] tell you in  
14 that call?

15 A. Yes. [REDACTED] told me that [REDACTED] expected that the  
16 Internal Affairs Division was going to refer it back  
17 to -- to division management. And [REDACTED] said if that  
18 happened, that [REDACTED] would be giving me a -- a notice of  
19 caution.

20 Q. What is the significance of a notice of  
21 caution, if anything?

22 A. I think it's a record. It creates a record  
23 of -- of a conversation or corrective actions or  
24 recommendations.

25 Q. Recommendations to you?



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1 A. Yes.

2 Q. So you could choose to follow them or not?

3 A. I have the option of -- of doing as my  
4 supervisor says or not, yes.

5 Q. Okay. It's not discipline, correct?

6 A. I don't believe it's discipline.

7 Q. Okay. So did you take it seriously?

8 A. Yes.

9 Q. In what way? What did you do differently after  
10 getting this letter of caution or notice of caution?

11 A. I've had -- I've had no more -- no more contact  
12 with Cheryl other than professional work-related only.  
13 And I won't -- I won't discuss my opinion<sup>s</sup> of -- of  
14 anybody else's work ethic or their competence or lack of  
15 competence with -- with anybody else other than my  
16 supervisor.

17 Q. You did, in fact, though, tell [REDACTED] I  
18 think -- no?

19 A. [REDACTED]?

20 Q. [REDACTED]. Excuse me.

21 A. [REDACTED].

22 Q. You did have a conversation after you got that  
23 letter of caution, with [REDACTED] where he asked you how  
24 the EEO was going and you explained the history of it  
25 and what you had said about Cheryl, right?

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1 MS. CHAN: Object to the form of the question.  
2 Answer if you know.

3 THE WITNESS: He had asked me -- [REDACTED]  
4 asked me during a RAC conversation in Seattle, he had  
5 asked me -- he said, "Hey, I heard about this. What  
6 happened?"

7 And I told him, "Well, it's a long story."

8 And he said, "Well, I got time." So I did give  
9 him a brief synopsis at to what had happened, maybe a  
10 two-minute synopsis, one-minute synopsis. So I did tell  
11 him, yes.

12 BY MR. WING:

13 Q. Including telling him that you had disparaged  
14 Cheryl Bishop to the AUSAs?

15 A. I had told him what I referred to, yes.

16 Q. Did you not recognize that in passing along  
17 your opinion as part of telling this story, you were  
18 continuing to disparage her?

19 MS. CHAN: Object to the form, argumentative.  
20 Answer if you know.

21 THE WITNESS: No.

22 BY MR. WING:

23 Q. You thought it was fine?

24 A. Sure.

25 Q. Have you told anybody else?

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1 MS. CHAN: Object to the form, vague. Answer  
2 if you know.

3 THE WITNESS: Yes.

4 BY MR. WING:

5 Q. Who else?

6 A. I've mentioned it to some of my closest friends  
7 in ATF.

8 Q. Who?

9 A. [REDACTED], [REDACTED] and I mentioned it to  
10 [REDACTED]. Other agents have actually come to me and  
11 asked me, "What's" -- "what's the deal?" or, "What's" --  
12 "what's going on with this?"

13 And to several of them I'd say, "It's still  
14 a" -- "it's still under some litigation, so, sorry."

15 Q. So you've not told them?

16 A. No. I have told those people. I just --

17 Q. But did you tell them what you had said about  
18 Cheryl?

19 A. Yes. I told [REDACTED] -- I'm sorry. [REDACTED]  
20 and [REDACTED]

21 Q. Where is [REDACTED] located?

22 A. [REDACTED]

23 Q. He's an ATF agent there?

24 A. Yes.

25 Q. And have you told anybody else besides

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1 [REDACTED], [REDACTED] and [REDACTED]

2 A. [REDACTED]?

3 MS. CHAN: [REDACTED].

4 BY MR. WING:

5 Q. I'm sorry. Mr. [REDACTED].

6 A. [REDACTED], yes. That's it, yeah.

7 Q. And this is after you got --

8 A. And my wife.

9 Q. Okay. She doesn't work for the ATF?

10 A. No.

11 Q. Okay. And this is after you got the letter of  
12 caution, right?

13 A. It may have been before.

14 Q. Well, the conversation with [REDACTED] was  
15 certainly after, right?

16 A. Sure, but I don't -- it could have been before  
17 or after as far as [REDACTED] and [REDACTED] are  
18 concerned.

19 Q. Okay. Cheryl Bishop had exchanged e-mails from  
20 you -- exchanged e-mails with you where she said, "I  
21 heard you've been disparaging me."

22 Do you remember those exchange of e-mails?

23 A. Yes.

24 Q. And you wrote to her, "I don't know what you're  
25 talking about."



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1 Do you remember writing that?

2 A. Yes.

3 Q. That wasn't true, was it?

4 A. I wasn't for sure. I was trying to get  
5 information out of her as well. I had a good idea what  
6 she was talking about, but I didn't know the depth of  
7 what she -- I was fishing for her -- I was fishing for  
8 information from her.

9 Q. So it wasn't true, but you were --

10 A. Well, it was partially true. I did have an  
11 idea what she was talking about.

12 Q. And then after she wrote back to you and said,  
13 you know, "Please don't do this," right?

14 A. (Nods head.)

15 Q. Is that right?

16 A. Yes.

17 Q. You forwarded her exchanges -- your exchanges  
18 with her to your friends, [REDACTED] and [REDACTED]  
19 right?

20 A. I believe I did.

21 Q. And you wrote, "This is entertaining" or words  
22 to that effect?

23 A. I probably did. I don't remember what I wrote,  
24 but I -- I probably did.

25 Q. Well, why would you say it was entertaining?

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1           A. I don't know. I thought I was probably -- I  
2           probably was a little surprised at the -- at her -- at  
3           her e-mail. I felt that it wasn't true, entirely true.  
4           I know it wasn't entirely true, some of the claims that  
5           she has on that e-mail. That was probably the  
6           entertaining part I was referring to.

7           Q. What was entertaining about it?

8           A. About how she said that she was -- she had done  
9           the first RICO case in Washington, her Title III case.  
10          That was entertaining to me.

11          Q. So you didn't think what she said was true?

12          A. Correct.

13          Q. And so you thought it was funny?

14          A. Yes.

15          Q. Okay. I'm going to show you what has been  
16          marked as Exhibit 44 previously and just ask you to  
17          please confirm that it is a statement of yours. The  
18          name is blocked out, and so is the signature line.  
19          Please take a look at it as needed (indicating).

20          A. Yes.

21          MS. CHAN: And is that the same -- sorry. Is  
22          that the same set of exhibits that you had e-mailed me?

23          MR. WING: Yes.

24          MS. CHAN: Okay. Because you said that was for  
25          [REDACTED]. But it's for this as well, right?

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1 MR. WING: Yeah.

2 MS. CHAN: Okay.

3 BY MR. WING:

4 Q. Is that your declaration?

5 A. Yes.

6 Q. And did you swear that under penalty of  
7 perjury?

8 A. I don't know.

9 Q. Is it --

10 A. This is -- no. This is just one that I wrote  
11 and submitted for -- for my Equal Employment Opportunity  
12 complaint.

13 Q. Right.

14 A. Yes.

15 Q. And even though it's got the name blacked out  
16 and the signature blacked out, that is your statement?

17 A. Yes.

18 Q. Okay. Was everything true --

19 A. Yes.

20 Q. -- in that statement?

21 A. Yes.

22 Q. Okay. I'm going to ask you to please sign it  
23 and date it today, at the very end (indicating).

24 A. Today is the 8th? 9th.

25 Q. Yes.

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1 MS. CHAN: 8th.

2 BY MR. WING:

3 Q. July 8th of 2019.

4 A. (Complies.)

5 Q. Okay. Thank you.

6 Do you have any idea what the Hatch Act is?

7 A. I'm not real familiar with it, but probably not  
8 as familiar as you are with it, sir.

9 Q. Do you have any idea what it means?

10 A. Yeah. It's -- it's -- has to do with people  
11 running for office, and us not supporting  
12 or -- supporting or not supporting them, I believe.

13 Q. Did anyone at ATF say, "You should be more  
14 careful with e-mail jokes you send around. When you  
15 send around e-mails that criticize the president, that  
16 might run afoul of the Hatch Act"?

17 A. No.

18 Q. This is the first you're hearing of that?

19 A. Yes. Well, not the first time of hearing of  
20 the Hatch Act.

21 Q. But of that potential criticism of something  
22 you've done?

23 A. Nobody has spoken with me about it, if that's  
24 what you're asking.

25 Q. Okay. Do you, in the course of your ATF



Bradford Devlin  
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1 activities, text with other agents?

2 A. Yes.

3 Q. That's kind of a daily thing, right?

4 A. Uh-huh.

5 Q. It's one of the methods of communicating?

6 A. Yes.

7 Q. Okay. When you had that first call with [REDACTED]  
8 [REDACTED] and [REDACTED] where you were told they had sent  
9 off Cheryl's complaint to IAD, did either one of them  
10 instruct you to have no more contact with her?

11 A. I believe they did.

12 Q. At that point?

13 A. I don't remember it was at that point or if it  
14 was at the point after I spoke with [REDACTED] at the RAC  
15 conference. It could have been either one.

16 Q. How did they find out about that?

17 A. I don't know. I -- somebody, I assumed it was  
18 Cheryl, went and talked to somebody in division and let  
19 them know that I was -- that I spoke with [REDACTED]  
20 about -- about -- about what I had said. And I was  
21 notified by my supervisor after that, that division -- I  
22 worked division -- Seattle Field Division had contacted  
23 counsel, ATF counsel, and had told ATF division to tell  
24 Brad Devlin not to discuss it anymore.

25 Q. Who was your supervisor at that time?

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1 A. [REDACTED].

2 Q. Okay. Were you interviewed by [REDACTED]?

3 A. No.

4 Q. Didn't [REDACTED] tell you that ATF would pay  
5 for the removal of your tattoo?

6 A. He said they thought they would.

7 Q. And then what happened?

8 A. Nothing. He -- he -- that was a conversation  
9 that he had told me that he had had, I believe with  
10 Cheryl Bishop. So it wasn't a -- I never -- I didn't go  
11 to -- I didn't go to [REDACTED] -- I don't remember  
12 going to [REDACTED] and asking him specifically if  
13 ATF would pay for it. I remember going to [REDACTED]  
14 and asking [REDACTED] that.

15 Q. Do you recall a complaint about your tattoo by  
16 Cheryl Bishop back in 2012?

17 A. 2012?

18 Q. I think so.

19 A. No.

20 Q. And do you remember -- have you ever read  
21 Cheryl Bishop's complaint --

22 A. Yes.

23 Q. -- memo? Okay.

24 MS. CHAN: Are you talking about the May 3rd  
25 memo?

Bradford Devlin  
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1 MR. WING: ' Yes, the May 3rd memo.

2 MS. CHAN: What exhibit is that?

3 BY MR. WING:

4 Q. Exhibit 43. She writes, "[REDACTED] further  
5 stated that he, [REDACTED], later contacted the undercover  
6 branch, who advised the ASACH that the policy is that if  
7 a tattoo was obtained by an agent in furtherance of  
8 undercover work, then they, the undercover branch, would  
9 pay to have the tattoo removed. [REDACTED] said he  
10 advised RAC Devlin that the undercover branch would pay  
11 to have the tattoo removed."

12 MS. CHAN: Object to the form, foundation.

13 BY MR. WING:

14 Q. Isn't that what [REDACTED] told you?

15 MS. CHAN: Object to the form, foundation.

16 Answer if you know.

17 THE WITNESS: I don't remember him telling me  
18 that, no.

19 BY MR. WING:

20 Q. Do you remember him telling you that he  
21 contacted the undercover branch?

22 A. No.

23 Q. Okay. You had put in for a job at IAD; is that  
24 correct?

25 A. Yes.



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1 Q. And as part of that job, would you have been  
2 investigating potentially complaints of discrimination  
3 or harassment?

4 A. Yes, very possible.

5 Q. Okay. Did you have any training in how to  
6 investigate such complaints?

7 A. No.

8 Q. Are you familiar, though, with the policies of  
9 the ATF that prohibit discrimination and harassment?

10 A. Yes. I have read them.

11 Q. Okay. Was your job that you were expecting to  
12 get at IAD a permanent position?

13 A. Yes. It was considered a permanent position,  
14 but I was going to use it as a stepping stone to go  
15 somewhere else.

16 Q. Okay. And where were you planning to go?

17 A. The Shooting Review Team.

18 Q. And where is that located?

19 A. Well, it's -- the office is in Washington,  
20 D.C., but they have shooting review agents that -- that  
21 live throughout the United States. They -- they cover  
22 geographical regions.

23 Q. And is it true that you were planning to retire  
24 at the end of this year?

25 A. Yes.



Bradford Devlin  
July 08, 2019

1 Q. And move to Idaho?

2 A. Yes.

3 Q. Is that where [REDACTED] is located --

4 A. Yes.

5 Q. -- in Idaho?

6 A. [REDACTED] yes.

7 Q. Okay. Have you ever -- well, strike that.

8 At one point in time, you knew that

9 [REDACTED] son had a drug problem, right?

10 A. Yes.

11 MS. CHAN: Object to the form.

12 BY MR. WING:

13 Q. And --

14 MS. CHAN: Answer if you know. Wait until I  
15 finish my objection before you answer.

16 BY MR. WING:

17 Q. And [REDACTED] supplied you with information  
18 about his son's drug dealer to investigate; is that  
19 correct?

20 A. Yes.

21 Q. And you did investigate?

22 A. Yes.

23 Q. In fact, you arrested the drug dealer, right?

24 A. Yes.

25 Q. Okay. The -- you worked for the ATF, not for

Bradford Devlin  
July 08, 2019

1 the DEA.

2 What interest did the ATF have in his son's  
3 drug dealer?

4 A. Drugs are often many times more than not  
5 associated with a violent crime. So we -- we often tie  
6 in the drugs to violent crime. We actually have Title  
7 2140 now. At the time -- it's very common for ATF to --  
8 to enforce local drug laws as well. Even though at that  
9 time we did not have Title 21 authority, we frequently  
10 made drug arrests, purchased narcotics. So it  
11 was -- it's not uncommon to do that, for us.

12 Q. Okay. But you investigated this at the request  
13 of [REDACTED] is that right?

14 MS. CHAN: Object to the form. Answer if you  
15 know.

16 THE WITNESS: Yes.

17 BY MR. WING:

18 Q. Okay. Do you recall telling [REDACTED] that  
19 your daughter saw her on TV and was surprised at how  
20 dark she is?

21 MS. CHAN: Object to the form. Answer if you  
22 know.

23 THE WITNESS: I -- I remember my daughter  
24 saying that she saw her on TV, but not to the -- "I'm  
25 surprised how dark she is."

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July 08, 2019

1 Q. Are you saying that didn't happen or you don't  
2 remember it?

3 A. I'm saying that --

4 MS. CHAN: Object to the form. Answer if you  
5 know.

6 THE WITNESS: I'm not saying that didn't  
7 happen. My daughter never told me that.

8 BY MR. WING:

9 Q. So if [REDACTED] testified about that, she's  
10 wrong?

11 MS. CHAN: Object to the form, foundation.  
12 Answer if you know.

13 THE WITNESS: You have to ask my daughter. My  
14 daughter did not tell me that.

15 BY MR. WING:

16 Q. Did you tell [REDACTED] --

17 A. No.

18 Q. -- that your daughter said that?

19 A. No. I did tell her that my daughter saw her on  
20 TV.

21 Q. Did anyone actually interview you about the  
22 e-mails that were attached to Cheryl Bishop's Complaint?

23 A. No.

24 Q. And nobody has instructed you to avoid sending  
25 such e-mails again, right?

Bradford Devlin  
July 08, 2019

1 MS. CHAN: Object to the form, vague. Answer  
2 if you know.

3 THE WITNESS: What e-mails are you -- cartoons  
4 or --

5 BY MR. WING:

6 Q. Yeah, the cartoons, making fun of Obama.  
7 There's a bunch of e-mails that were attached to her  
8 Complaint that you saw, right?

9 A. Yes.

10 Q. Okay. And nobody has said, "Don't send those  
11 kind of e-mails again," have they?

12 A. That's correct.

13 Q. If we were going to look at your e-mails and  
14 the jokes, do you believe that we would find some jokes  
15 that make fun of the ethnicity of various people?

16 MS. CHAN: Object to the form. Answer if you  
17 know.

18 THE WITNESS: No, you wouldn't.

19 BY MR. WING:

20 Q. What about sexist jokes?

21 A. You may find that.

22 MS. CHAN: Object to the form.

23 BY MR. WING:

24 Q. Any luck recalling the name of the other U.S.  
25 Attorney, Assistant U.S. Attorney?



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1 A. No, but I remember the name of the other ATF  
2 agent.

3 Q. And who is that?

4 A. [REDACTED].

5 Q. Would you spell it, please?

6 A. [REDACTED] last name is [REDACTED]

7 Q. Do you know where he's located?

8 A. I believe he's in Indiana.

9 Q. Still with the ATF?

10 A. Yes.

11 Q. Do you know where in Indiana?

12 A. I don't know.

13 Q. Did you consider that if Cheryl Bishop  
14 ultimately got the RAC job in Eugene, that your comments  
15 to the Assistant U.S. Attorneys and to the other agents  
16 in that office about her capacity would undermine their  
17 respect for her?

18 MS. CHAN: Object to the form. Answer if you  
19 know.

20 THE WITNESS: No, I did not consider that.

21 BY MR. WING:

22 Q. And IAD never interviewed you about Cheryl  
23 Bishop's complaint; is that correct?

24 MS. CHAN: Object to the form, asked and  
25 answered. Answer if you know.

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1 THE WITNESS: That's correct.

2 BY MR. WING:

3 Q. When did you first receive a notice to preserve  
4 and search for responsive texts or e-mails regarding  
5 Ms. Cheryl Bishop's EEO complaint?

6 A. Oh, I -- I don't remember.

7 Q. Did you take steps right when you received that  
8 notice?

9 A. Yes. What -- you asked if -- you said a  
10 preserve note -- a preservation order?

11 Q. Yeah.

12 A. I don't --

13 Q. You don't remember receiving that?

14 A. I don't remember a preservation order.

15 Q. What did you think you received?

16 A. I received an e-mail asking for text messages  
17 and e-mails, whatever I had, but I don't remember a  
18 preservation order.

19 Q. Another term for it is a litigation hold.

20 Do you think you received a litigation hold?

21 A. I don't remember that.

22 Q. Have you had any -- do you know who [REDACTED]  
23 [REDACTED] is?

24 A. [REDACTED] -- I believe I know [REDACTED]  
25 [REDACTED], an ATF agent in Missouri.

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1 Q. Do you know who [REDACTED] is?

2 A. Yes.

3 Q. And for a time, [REDACTED] held the same  
4 job above the SACH of the Seattle Field Division?

5 A. Oh, I don't --

6 Q. You don't know that [REDACTED]?

7 A. Not -- no.

8 Q. Okay. Did you ever have any contact with  
9 [REDACTED] about your EEO matter or Cheryl  
10 Bishop's EEO matter?

11 A. Yes. We had a -- I had a -- I don't know what  
12 it was called, but after I submitted my EEO complaint  
13 against ATF, they asked if I would come to -- to  
14 headquarters for a -- I don't remember what they call  
15 it, maybe a resolution.

16 Q. A mediation?

17 A. Mediation.

18 Q. Okay.

19 A. Yes, that was it, a mediation. And  
20 [REDACTED] was present for that.

21 Q. Okay. Did you talk with [REDACTED] or was he  
22 just in the other room?

23 A. No. We sat in the same room. I didn't have a  
24 conversation with him. It was a mediation. There were  
25 two other attorneys there and they -- they conducted the



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1 meeting. I didn't have conversations with [REDACTED].

2 Q. Did you have contact with [REDACTED] about  
3 your own EEO matter or Ms. Bishop's other than at that  
4 mediation?

5 A. No.

6 Q. Did you have an understanding of [REDACTED]  
7 role in the hierarchy of ATF?

8 A. I knew he was upper management in Washington,  
9 D.C., yes.

10 Q. Have you ever met or talked to [REDACTED]  
11 [REDACTED]?

12 A. Yes.

13 Q. About what? And I'm not looking for secrets.  
14 More general. Okay?

15 A. It was -- I met him and spoke with him in -- in  
16 Seattle. He had made a visit to the division, and he  
17 was wanting to [REDACTED]

18 Q. And what did he say was the reason why he  
19 wanted to [REDACTED]

20 A. Because he had been involved in [REDACTED]  
21 [REDACTED]

22 Q. And when was this, approximately, [REDACTED] make  
23 this visit to Seattle?

24 A. I would have to guess. It would maybe be 2012,  
25 maybe.



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1 Q. And why were you part of this discussion?

2 A. Because I was advocating for [REDACTED] and his  
3 family to stay in Oregon where they currently -- where  
4 they -- where they resided at the time.

5 Q. And Mr. [REDACTED] wanted to move them?

6 A. Correct.

7 Q. What ultimately happened?

8 A. [REDACTED] put in for the [REDACTED]  
9 [REDACTED] got it. He was -- he was afraid they were  
10 going to relocate him.

11 Q. And when did he take the job [REDACTED]  
12 approximately?

13 A. Three -- three and a half years ago. So that  
14 would have been maybe 2000 -- early '16, maybe.

15 Q. Okay. Okay. Do you know [REDACTED]?

16 A. No.

17 Q. [REDACTED]?

18 A. No.

19 Q. [REDACTED]?

20 A. No.

21 Q. [REDACTED]?

22 A. I recognize the name, but I -- I may have met  
23 him once.

24 Q. Okay. [REDACTED]?

25 A. No.

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1 Q. [REDACTED]?

2 A. I've heard that name, too, but I don't believe  
3 I've met him.

4 Q. [REDACTED]?

5 A. No.

6 Q. [REDACTED]?

7 A. [REDACTED], yes, I know [REDACTED].

8 Q. How do you know Deb Dassler?

9 A. She was a canine -- she had something to do  
10 with the canine branch. She may have also been a canine  
11 handler at one time. She -- I remember her -- I think I  
12 met her at the academy when I was visiting the academy.  
13 And I also remember I believe that she may have been in  
14 the El Paso field office after I had left.

15 Q. When is the last time you were in touch with  
16 her?

17 A. Oh, it's been a long time. I probably wouldn't  
18 even recognize her now. It was probably 2000 -- maybe  
19 '01 or '02, maybe 2002.

20 Q. Do you know [REDACTED]?

21 A. [REDACTED], no.

22 Q. And do you have any recollection now about  
23 [REDACTED]?

24 A. [REDACTED] -- no, I -- again, that name sounds  
25 familiar.

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1 (Knocking on door)

2 MR. WING: What time is it?

3 MS. CHAN: It's noon.

4 MR. WING: It's noon. Okay. Let me just wrap  
5 up.

6 BY MR. WING:

7 Q. Who did you tell that you received a notice of  
8 caution?

9 A. Probably [REDACTED] -- [REDACTED] and [REDACTED]

10 Q. And --

11 A. And my wife. I may have told other people,  
12 too, that I -- I can't remember who I -- who I told, if  
13 I did.

14 Q. Okay.

15 A. It's very possible I told others.

16 Q. And you explained why you got it, correct?

17 A. Probably.

18 Q. Okay. Do you think that notice of caution was  
19 unfair?

20 MS. CHAN: Object to the form. Answer if you  
21 know.

22 THE WITNESS: I'm a little undecided about it.

23 BY MR. WING:

24 Q. Okay. You have submitted two other EEO  
25 affidavits for Cheryl Bishop's complaint, right?

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July 08, 2019

1 A. Yes.

2 Q. And those are accurate and correct?

3 A. Yes.

4 Q. Okay. You stand by them?

5 A. Absolutely.

6 MR. WING: Okay. I have no more questions at  
7 this point.

8 MS. CHAN: We'll need to take maybe five  
9 minutes just to see if I have any follow-up.

10 MR. WING: Oh, okay.

11 MS. CHAN: Yeah.

12 THE VIDEOGRAPHER: Off the record at 12:02.

13 (Recess)

14 (The deposition concluded at 12:11 p.m.)

15 (Signature reserved)

16

17

18

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25



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July 08, 2019

BRADFORD DEVLIN

I have read the transcript of my deposition  
taken on July 8, 2019, at Portland, Oregon, and make the  
following additions or corrections:

PAGE	LINE	CORRECTION AND REASON FOR CORRECTION
------	------	--------------------------------------

BRADFORD DEVLIN

Subscribed and sworn to me before this \_\_\_\_\_  
day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public for the State  
of \_\_\_\_\_  
residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Re: Bishop vs. Sessions  
United States District Court, Western District of  
Washington, No. C18-00599-TSZ  
LH

Bradford Devlin  
July 08, 2019

REPORTERS CERTIFICATE

I, Melinda Hermansen, CSR No. 10-0420,  
Certified Shorthand Reporter, do hereby certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth, at  
which time the witness was put forth under oath by me;

That the testimony of the witness, the  
questions propounded, and all objections and statements  
made at the time of the examination were recorded  
stenographically by me and were thereafter transcribed;

That a review of the transcript by the deponent  
was not requested;

I further certify that I am not a relative or  
employee of any attorney of the parties, nor financially  
interested in the action.

I declare under penalty of perjury under the  
laws of Oregon that the foregoing is true and correct.

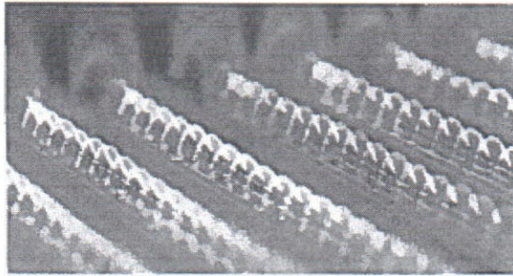
Dated this day 20th day of July, 2019.



Melinda Hermansen  
CSR No. 10-0420, RPR

## **EXHIBIT B**

ATF pays \$450,000 to settle discrimination lawsuit involving a boss with a Nazi tattoo | T... Page 1 of 6



### Service Calls From \$22

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#### Local News

## ATF pays \$450,000 to settle discrimination lawsuit involving a boss with a Nazi tattoo

Nov. 16, 2019 at 11:16 pm · Updated Nov. 19, 2019 at 9:29 am



1 of 3 | Bureau of Alcohol, Tobacco, Firearms and Explosives Supervisory Special Agent Cheryl Bishop, shown with explosives, courtesy of Max Dane and Magie & Bayless More



By Mica Carter

Seattle Times staff reporter

A senior African American supervisor at the Seattle office of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will receive \$450,000 and get a private meeting with the agency's director to settle a lawsuit alleging the agency retaliated after she complained of racial harassment by another supervisor who has a Nazi tattoo.

In addition to the cash payout, Cheryl Bishop, a senior supervisory agent in Seattle and former bomb-dog handler, will receive a ring commemorating a previous assignment as the first female member of the ATF's Special Response Team (SRT). The ring will be presented to Bishop during a meeting with ATF Acting Director Regina Lombardo.

Bishop filed her lawsuit in 2018, alleging the agency scuttled her promotion application to work at its Washington, D.C., headquarters after she filed an Equal Employment Opportunity Commission (EEOC) complaint against fellow supervisor Bradley Devlin, the bureau's resident agent in charge in Eugene, Oregon.



ATF pays \$450,000 to settle discrimination lawsuit involving a boss with a Nazi tattoo | T... Page 2 of 6

According to court documents, Devlin has worn a Nazi-themed tattoo — showing what's described as a "German Eagle SS Lightning Bolt" — since the early 2000s. He says he got it while working undercover to infiltrate an Ohio white-supremacist biker gang called The Order of Blood. That operation led to several arrests.

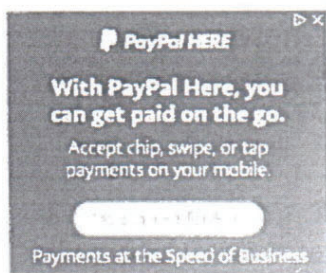
Though his bosses have said they were "appalled," Devlin hasn't had the tattoo removed. The agency has said it would pay for the procedure.

Devlin could not be reached Monday and has not previously commented on the lawsuit.



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Devlin's tattoo, along with a series of emails sent from his ATF account mocking black people and then-President Barack Obama, were at the heart of Bishop's lawsuit. Devlin was Bishop's supervisor in Seattle from 2009 to 2011 and she alleges he has continued to disparage her work since. The Seattle Field Division of ATF oversees offices in Washington, Oregon, Idaho, Alaska, Hawaii and Guam.

Bishop's lawsuit got traction in September when U.S. District Judge Thomas Zilly summarily denied a government motion to dismiss her claims and ordered the case to trial this month.

"While I am grateful to put the lawsuit behind me, healing the emotional scars will take more time," Bishop said in a prepared statement. "What happened to me should never happen to anyone, anywhere. Since harassment, discrimination, and retaliation are alive and well, I encourage anyone who encounters them to speak out — that's the only way change happens."

April Langwell, an ATF spokeswoman in Washington, D.C., said the bureau has no additional comment on the settlement. She reiterated that employees who engage in conduct that might adversely affect the public's perception of the agency or impact its integrity or professionalism are subject to discipline, but she would not say whether Devlin was disciplined. She said he remains employed by the ATF.

Bishop joined the ATF in 1989, but left in 2003 to act as personal bodyguard for Amazon.com founder and CEO Jeff Bezos. She returned in 2009, when she was assigned to a gun-crimes task force headed by Devlin, according to court documents. She later went on to be a bomb-dog handler.

ATF pays \$450,000 to settle discrimination lawsuit involving a boss with a Nazi tattoo | T... Page 3 of 6

In Bishop's lawsuit, she says the agency abruptly decided she could no longer be a K-9 handler if she took a one-year assignment and promotion to work in the ATF Science and Technology division, after previously telling her she could do both.

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Bishop has since retired her bomb dog, Allegra, and has been promoted as supervisor of the Seattle division's Crime Gun Intelligence Center.

The government says in court filings a decision was made that Bishop could not do both jobs at the same time.

Bishop says the agency's about-face came just weeks after she had filed an EEOC complaint in May 2016, alleging racial harassment by Devlin, after he purportedly told a federal prosecutor in Oregon that he questioned Bishop's experience as a street agent and said she would be a "train wreck" if assigned to the Eugene office. Bishop claims it was the latest in a series of conflicts between the two, including an incident in 2009 when Bishop says she confronted Devlin after he sent racially offensive emails using an ATF email account to several agents in the Gang Group, including Bishop.

### Sign up for Morning Brief

*Delivered bright and early weekday mornings, this email provides a quick overview of top stories and need-to-know news.*

"As the only woman of color in our group, these emails publically humiliated me," she wrote in a sworn declaration.

One email, included with the lawsuit filings, shows a black woman talking through a telephone handset to a black man behind a glass partition in prison, with a Santa Claus and reindeer superimposed. It states, "Merry Christmas from the Johnsons."

When Bishop confronted Devlin about these and other purportedly offensive emails, she claims he told her to "get the hell out of my office," and came around the desk with his fists balled. In other instances, she claims Devlin had disparaged her as being "bossy," "worthless," "contemptuous," and a "not-aggressive worker" — all comments the lawsuit alleges "stereotype black women."

In another instance, after Devlin yelled at her about the use of her agency vehicle, Bishop says "she found a banana placed on the hood of her car in her new parking spot next to Devlin's spot — a racist symbol of viewing Black people as monkeys," the lawsuit alleges.

Bishop learned of Devlin's Nazi-themed tattoo in 2009, when she was assigned to a group he supervised. The large tattoo on his left arm depicts an eagle bearing twin lightning bolts — a stylized "SS," which Bishop acknowledged in a deposition is a reference to the brutal Schutzstaffel, Hitler's notorious secret police responsible for murdering millions of Jewish citizens and ethnic minorities during World War II.

She said she complained to another supervisor at the time after a confrontation with Devlin, but nothing was done, although Devlin was transferred to Oregon not long afterward. Bishop says that she saw Devlin show off the tattoo in public, including at a retirement party for an agent in 2011, where she says he rolled up his sleeve and showed other colleagues "while eyeing (Bishop) with a grin." He has said he views the tattoo as a "war trophy" from his undercover work.

## **EXHIBIT C**



From: Devlin, Bradford L. <[Bradford.Devlin@atf.gov](mailto:Bradford.Devlin@atf.gov)>

Sent: Thursday, November 21, 2019 12:03 PM

Subject: Lawsuit

As you are all aware, The Seattle Times published another article on Nov. 18th announcing Cheryl Bishop's victory lawsuit against the government claiming harassment, discrimination, and retaliation (attached). Unfortunately, I have not only been used as a means to her end - but as an ATF employee, I was prohibited from discussing anything related to her "pending litigation." I was reminded several times by ATF management and attorneys that in no circumstance could I say anything about the case while in litigation.

Now that the litigation is over, I have a couple things to say.

The EEO Commission did not give Cheryl a victory on any of her previous EEO complaints where I was accused of being racist, having a swastika tattoo, racial harassment, disparagement, and retaliation. If Cheryl didn't like the EEO Commission's final decision, she was allowed to appeal her case to the US District Court, which she did. Trial was scheduled to begin Oct. 28, 2019. I was looking forward to going to trial. In lieu of trial, the government agreed to a cash settlement of \$450K.

About 15 years ago, I was in the Enhanced Undercover Program. I was asked by ATF SOD to work as one of three full time undercovers in an Aryan biker case in Ohio. Ultimately, we were patched-in to the Aryan Biker Club. The by-laws of the club were to get the club symbol tattooed once voted in as a member. When I became a full-patched member, I got the tattoo. ATF agent cashier funds paid for the tattoo. The tattoo is a German Eagle with "SS" bolts in the center of the eagle and it's located on my upper left arm hidden from public view. I'm not a tattoo guy. I do not like them and it's the only tattoo I have. I spent 8 months in an undercover role on that case. Every agent who worked that case, put their heart and soul into it. It wasn't easy, but in the end we had 40 federally indicted defendants.

When the case was over, I asked ATF SOD if they would pay to remove my tattoo. I was asked to obtain an estimate for laser removal. The estimate came in at 3-4K. The Chief of SOD at the time said ATF would not pay to have my tattoo removed.

During the same time that Cheryl filed her initial EEO Complaint, I had accepted a position in HQ and had acquired housing in the DC area. My plan was to do my HQ time, get a 15 job, return to Seattle and retire. As a result of the first EEO Complaint, I was investigated by Internal Affairs and expelled from HQ. During the Internal Affairs investigation, only one person was interviewed and the investigation was sent back to Division for "action." I received a Letter of Caution from my ASAC stating I should not discuss a subordinate's work ethic. Neither I, nor anyone in my group, were ever interviewed by IA. My ASAC at the time told me ATF would pay for the removal of my tattoo. I asked my ASAC how the payment for removal would work, if it would come out of AC funds, or if it was something I could pay for on my G-Card. For some



reason, I never followed up with my ASAC and soon after that conversation, that ASAC was promoted and transferred. I have never declined to have the tattoo removed.

I was mandated by subpoena to be deposed for the recent lawsuit. The subpoena included that I allow photos taken of my tattoo. The Seattle Times has published a total of 4 articles regarding Cheryl's lawsuit. Each article displayed the same photograph of me taken by Cheryl's attorney during my recorded deposition. I had no idea that photograph would be published not once but on 4 separate occasions and available on the internet for the world to see. This is a significant safety/security issue for me and my family. My name, face, tattoo, the name of the Aryan case I worked, and that I am an ATF Agent in Eugene, Oregon was put on the internet for every criminal to see.

Immediately after the first Seattle Times article was published, Division and HQ were notified. They were also notified after each subsequent article. I personally sent emails but never received one reply. I am livid that Cheryl and her attorney would publish a photo of me and disclose my identity as a current ATF employee. I think this is ethically wrong and unprofessional. To this day, I have never received any contact or support from HQ regarding the published articles, my concerns, my inquiries, or the case in general. I'm also certain that ATF HQ and/or PGA made no attempt to stop Cheryl, her attorney, or the Seattle Times from publishing further articles.

The Seattle Times articles claim that I made several statements such as: the tattoo was a war trophy from my undercover days; I declined ATF's offer to remove the tattoo; I would not remove the tattoo unless the other UC agents removed theirs and that I have always been a separatist racially. I never made any of those statements. I have attached my deposition. See for yourself. I have redacted the names of others involved in the lawsuit out of respect for their privacy.

The Seattle Times quoted a Federal Public Defender who said the very existence of my tattoo is evidence that I have a bias against certain minority groups which would trigger Brady requirements. I contacted the U.S. Attorney's Office and was told that none of my cases are in jeopardy and would not trigger the requirements of Brady.

I am unaware of any ATF or DOJ policy which allows an employee to go to the media during ongoing litigation – criminal or civil. If I would have gone to the media, I would have been fired. We need policy that prevents any employee from going to the media to promote any civil or criminal case and so this does not happen to someone else.

I never showed Cheryl my tattoo. Cheryl's initial complaint was that I had a Swastika tattoo and that she saw it. I do not have a Swastika tattoo. Cheryl also claims I sent racially insensitive emails. In 2009, I did send emails to the entire group that I thought were humorous. Cheryl never discussed with me anything about her being offended by my emails. Cheryl's initial complaint requested that ATF get into my computer and review all my emails suggesting that ATF would find evidence of racism. ATF did search my computer and cell phone and found no

evidence of racism, harassment or retaliation. I never intended to be insensitive or offensive. One of the emails I sent was a cartoon depicting Obamacare as an enema. I thought it was funny. Once Cheryl filed her complaint, an ATF attorney in HQ requested Internal Affairs investigate me for Hatch Act Violations based upon the Obamacare cartoon. And the story of the banana peel found on Cheryl's car...the first time I heard that story was when the first Seattle Times story broke. I didn't place a banana peel on Cheryl's car.

I am guilty of calling Cheryl a trainwreck. My use of that word was never based on Cheryl's race. It was based on her incompetence as an agent and lack of investigative experience.

I have heard several times and even read in The Seattle Times that ATF Management was "appalled" that I had a racist tattoo. I am sorry that you were appalled. I'm not sorry for doing my job. I have never intentionally tried to offend or humiliate Cheryl Bishop. I am not a racist, never have been and never will be.

Cheryl and her attorney played it well. Their strategy was effective and they won \$450K of taxpayer dollars.

Hope the ring turns out well.

Thanks for reading,  
Brad Devlin

Brad Devlin  
Resident Agent in Charge  
Eugene Field Office  
Seattle Field Division  
Office - (206) 204-9910  
Fax - (206) 204-9923  
Cell - (206) 251-8097

## **EXHIBIT D**



**Beasley, Roger L.**

**From:** Fang, Timmy C. (Contractor)  
**Sent:** Monday, March 9, 2020 12:29 PM  
**To:** Beasley, Roger L.  
**Cc:** Boone, Adrienne  
**Subject:** INC0727913 - RE: BCC list

Hi Roger,

The timestamp was 12:03PST which translates to 3:03PM EST. There were at least a 2nd copy of Lawsuit in the mailbox, but this is the list from one of them. The other was empty.

Crump, Jason R. <Jason.Crump@atf.gov>; Foreman, Sarah L. <Sarah.Foreman@atf.gov>; King, Thomas J. <Thomas.King@atf.gov>; Russell, Rodney J. <Rodney.Russell@atf.gov>; Ybarra, Aaron R. <Aaron.Ybarra@atf.gov>; Cooper, Kenneth R. <Kenneth.Cooper@atf.gov>; Gage, Travis J. <Travis.Gage@atf.gov>; Gonzales, Janeece K. <Janeece.Gonzales@atf.gov>; Hipp, Kenneth R. <Kenneth.Hipp@atf.gov>; Kondo, Hoshihito P. <Hoshihito.Kondo@atf.gov>; Lambright, Ralph R. <Ralph.Lambright@atf.gov>; Middelhoven, Pieter R. <Pieter.Middelhoven@atf.gov>; Miller, Joel <Joel.Miller@atf.gov>; Moore, William H. <William.Moore@atf.gov>; Shackle, Ronald J. <Ronald.Shackle@atf.gov>; Zimmerman, Brooke A. <Brooke.Zimmerman@atf.gov>; Aguon, Mary F. <Mary.Aguon@atf.gov>; Dangan, Chris A. <Chris.Dangan@atf.gov>; Excell, Benjamin E. <Benjamin.Excell@atf.gov>; Gaines, Jeffrey (ATF) <Jeffrey.Gaines@atf.gov>; Mullins, Oliver D. <Oliver.Mullins@atf.gov>; Sherman, Joshua D. <Joshua.Sherman@atf.gov>; Arline, Napoleon <Napoleon.Arline@atf.gov>; Bost III, John W. <John.BostIII@atf.gov>; Graham, Gery J. <Gery.Graham@atf.gov>; Horenburg, Terence M. <Terence.Horenburg@atf.gov>; Joseph, Aaron R. <Aaron.Joseph@atf.gov>; Leong, Genevieve M. <Genevieve.Leong@atf.gov>; Lewis, Christopher L. <Christopher.Lewis@atf.gov>; McLean, Anthony F. <Anthony.McLean@atf.gov>; Nguyen-Murley, Nicole <Nicole.Nguyen-Murley@atf.gov>; Tuitele, Christopher N. <Christopher.Tuitele@atf.gov>; Villagomez, Joseph L. <Joseph.Villagomez@atf.gov>; Wittrock, Susan P. <Susan.Wittrock@atf.gov>; Butler, James C. <James.Butler@atf.gov>; Helm, Wendy L. <Wendy.Helm@atf.gov>; Julius, Adam F. <Adam.Julius@atf.gov>; McNall, Michael C. <Michael.McNall@atf.gov>; Northcutt, Michael L. <Michael.Northcutt@atf.gov>; Piergallini, Mario E. <Mario.Piergallini@atf.gov>; Quintanilla, John N. <John.Quintanilla@atf.gov>; Ramsey, William F. <William.F.Ramsey@atf.gov>; Reid, Danny S. <Danny.Reid@atf.gov>; Smith, Christopher T. <Christopher.Smith@atf.gov>; Steen, David R. <David.Steen@atf.gov>; Tomaso, Jared P. <Jared.Tomaso@atf.gov>; Wihera, Timothy J. <Timothy.Wihera@atf.gov>; Alconaba, Katrina F. <Katrina.Alconaba@atf.gov>; Almgren, Robert K. <Robert.Almgren@atf.gov>; Bach, Bryan A. <Bryan.Bach@atf.gov>; Callia, Victoria B. <Victoria.Callia@atf.gov>; Eleveld, Jeffrey D. <Jeffrey.Eleveld@atf.gov>; Karr, Leann <Leann.Karr@atf.gov>; Keller, J. Mark <Mark.Keller@atf.gov>; Schaefer, Justin A. <Justin.Schaefer@atf.gov>; Vitti, Michael L. <Michael.Vitti@atf.gov>; Willis, Brandon L. <Brandon.Willis@atf.gov>; Brown, Jason W. <Jason.Brown@atf.gov>; Doane, Jodi R. <Jodi.Doane@atf.gov>; Enk, Caleb T. <Caleb.Enk@atf.gov>; Jacobs, Roland L. <Roland.Jacobs@atf.gov>; Johnson, Amanda R. <Amanda.Johnson@atf.gov>; Lawrie, Michelle L. <Michelle.Lawrie@atf.gov>; Miller, Nathan A. <Nathan.Miller@atf.gov>; Schodowski, Anthony N. <Anthony.Schodowski@atf.gov>; Ziesemer, Benjamin N. <Benjamin.Ziesemer@atf.gov>; Crawford, Vicki S. <Vicki.Crawford@atf.gov>; Duke, David M. <David.Duke@atf.gov>; Hagman, Kurt W. <Kurt.Hagman@atf.gov>; Lomax, Justin <Justin.Lomax@atf.gov>; Maier, Kathy A. <Kathy.Maier@atf.gov>; McLean, Anthony F. <Anthony.McLean@atf.gov>; Nielsen, Michelle L. <Michelle.Nielsen@atf.gov>; Rushing, Caleb <Caleb.Rushing@atf.gov>; Schlecht, Aaron J. <Aaron.Schlecht@atf.gov>; Tallmadge, Jeremy D. <Jeremy.Tallmadge@atf.gov>; Clark, Joshua D. <Joshua.Clark@atf.gov>; Devlin, Bradford L. <Bradford.Devlin@atf.gov>; Slackman, Noah K. <Noah.Slackman@atf.gov>; Suyehira, Samuel W. <Samuel.Suyehira@atf.gov>; Weber, Jason R. <Jason.Weber@atf.gov>; Zobel, Carmen R. <Carmen.Zobel@atf.gov>; Alverson, Terry F. (Contractor) <Terry.Alverson@atf.gov>; Bates, Rosalind G. (Contractor) <Rosalind.Bates@atf.gov>; Beckstrand, Michael D. <Michael.Beckstrand@atf.gov>; Blais, Jonathan E. <Jonathan.Blais@atf.gov>; Brown, Jason W. <Jason.Brown@atf.gov>; Chudy, Jason R. <Jason.Chudy@atf.gov>;



Gathercole, Lynda J. <Lynda.Gathercole@atf.gov>; Hummel, Guy K. Jr <Guy.Hummeljr@atf.gov>; McLeod, Kenneth A. (Contractor) <Kenneth.McLeod@atf.gov>; Mickelson, Peter W. <Peter.Mickelson@atf.gov>; Noel, William J. (Contractor) <William.Noel@atf.gov>; Orona, Stephanie J. <Stephanie.Orona@atf.gov>; Palmer, Tehran <Tehran.Palmer@atf.gov>; Phillips, Brennan S. <Brennan.Phillips@atf.gov>; Pleasants, Darek G. <Darek.Pleasants@atf.gov>; Rios, Yvonne M. <Yvonne.Rios@atf.gov>; Syversen, Jayme C. <Jayme.Syversen@atf.gov>; Tibbetts, John <John.Tibbetts@atf.gov>; Wear, Matthew <matthew.wear@atf.gov>; Webb, Scena B. <Scena.Webb@atf.gov>; Yoh, Aaron W. <Aaron.Yoh@atf.gov>; Younger, Eric W. <Eric.Younger@atf.gov>; Eshom, Joseph A. <Joseph.Eshom@atf.gov>; Estep, Kathryn R. <Kathryn.Estep@atf.gov>; Grigore, Claudia L. <Claudia.Grigore@atf.gov>; Helgren, Isaac T. <Isaac.Helgren@atf.gov>; Hunt, J. Ben. <J.Hunt@atf.gov>; Jackson, Eric D. <Eric.Jackson@atf.gov>; Kowalchuk, Ryan <Ryan.Kowalchuk@atf.gov>; Langue, Tanna J. <Tanna.Langue@atf.gov>; Mayo, Michael D. <Michael.Mayo@atf.gov>; Petrulak, Nathan R. <Nathan.Petrulak@atf.gov>; Prose, Elliott J. <Elliott.Prose@atf.gov>; Salcepuedes, Angelo D. <Angelo.Salcepuedes@atf.gov>; Steffes, Eric L. <Eric.Steffes@atf.gov>; Wasmund, Andrew F. <Andrew.Wasmund@atf.gov>; Wozniak, Earl A. <Earl.Wozniak@atf.gov>; Agate, Clayton D. <Clayton.Agate@atf.gov>; Belshay, Robert A. <Robert.Belshay@atf.gov>; Cole, Catherine L. <Catherine.Cole@atf.gov>; Collier, Michael J. <Michael.Collier@atf.gov>; Conaty, John <John.Conaty@atf.gov>; Dodsworth, Dawn T. <Dawn.Dodsworth@atf.gov>; Heller, Gregory K. <Gregory.Heller@atf.gov>; Jones, Wade J. <Wade.Jones@atf.gov>; McCarty, Robin R. <Robin.McCarty@atf.gov>; Merritt, Nathaniel A. <Nathaniel.Merritt@atf.gov>; Nelson, Keeli L. <Keeli.Nelson@atf.gov>; Perkins, William W. <William.Perkins@atf.gov>; Pinkerton, Jeremy C. <Jeremy.Pinkerton@atf.gov>; Price, Wesley B. <Wesley.Price@atf.gov>; Tomlinson, Gregory P. <Gregory.Tomlinson@atf.gov>; Wear, Matthew <matthew.wear@atf.gov>; Widmer, Lexie A. <Lexie.Widmer@atf.gov>; Arnold, Brian M. <Brian.Arnold@atf.gov>; Cline, David M. <David.Cline@atf.gov>; Hansen, Jonathan L. <Jonathan.Hansen@atf.gov>; Radosevich, Kit K. <Kit.Radosevich@atf.gov>; Vavilin, Andriy I. <Andriy.Vavilin@atf.gov>; Vorotnikova, Natalia O. <Natalia.Vorotnikova@atf.gov>; Hampton, Darren D. <Darren.Hampton@atf.gov>; Villegas, Monique Y. <Monique.Villegas@atf.gov>; Graham, Michael P. <Michael.Graham@atf.gov>; McCracken, Brice P. <Brice.McCracken@atf.gov>; Byrd, Richard D. <Richard.Byrd@atf.gov>; Howe, Craig A. <Craig.Howe@atf.gov>; Chittum, Thomas L. <Thomas.Chittum@atf.gov>; Nunez, Celinez <Celinez.Nunez@atf.gov>; Sitowski, Brent <brent.sitowski@state.or.us>; Swanson, Lance D. <Lance.D.Swanson@ice.dhs.gov>; Floyd, Eric <Eric.Floyd@atf.gov>; Summers, Jessie R. <Jessie.Summers@atf.gov>; Hanemann, Janet L. <Janet.Hanemann@atf.gov>; Korn, David W. <David.Korn@atf.gov>; Maguire, Jenna L. <Jenna.Maguire@atf.gov>; Todd Jordan <TJordan@cityoflakewood.us>

Thanks!

Tim

Tim Fang | Leldos  
Exchange Administrator | ESA IV Program  
Phone: 202.400.1185  
[Timmy.C.Fang@USDQJ.GOV](mailto:Timmy.C.Fang@USDQJ.GOV)



**From:** Beasley, Roger L. <Roger.Beasley@atf.gov>  
**Sent:** Monday, March 9, 2020 12:08 PM  
**To:** Fang, Timmy C. (Contractor) <timmy.fang@atf.gov>  
**Cc:** Boone, Adrienne <Adrienne.Boone@atf.gov>  
**Subject:** BCC list

Tim – can you find this message and tell us who the email was sent to?

Thanks!

Originator: Bradford L. Devlin

## **EXHIBIT E**

**From:** Pleasants, Darek G.  
**To:** Baudhuin, William S.  
**Subject:** Referral of Potential Misconduct  
**Date:** Monday, December 2, 2019 2:53:00 PM  
**Attachments:** DEVLIN Email and Attachments.pdf  
**Importance:** High

---

SA Baudhuin,

1. On 21 November, Special Agent Bradford Devlin sent an email (attached) to an unknown/undisclosed number of persons.
  - a. Upon reviewing the email I telephonically contacted Special Agent Devlin and immediately verbally counseled him regarding the email and considered the matter closed.
2. Subsequently, concerns have been raised to me that Special Agent Devlin's email may be construed as misconduct IAW ATF O 2130.3A Harassment in the Workplace.
  - a. I request IAD review the associated email for potential misconduct as soon as possible.
3. After review, I am prepared to handle this matter ATF O 8610.1C, Paragraph 27, Management Referrals.

V/R,  
DP

Darek G. Pleasants  
Special Agent in Charge  
ATF – Seattle Field Division  
1521 1<sup>st</sup> Avenue South, Suite 600  
Seattle, WA 98134  
[darek.pleasants@atf.gov](mailto:darek.pleasants@atf.gov)  
Office: 206-204-3205  
Mobile: 314-591-7617

## **EXHIBIT F**





U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Seattle Field Division*

1521 1<sup>st</sup> Ave. S., Suite 600  
Seattle, Washington 98134

www.atf.gov

JAN 13 2020

787000:DGP  
8610.C

MEMORANDUM TO: Special Agent in Charge  
Internal Affairs Division

FROM: Special Agent in Charge  
Seattle Field Division

SUBJECT: Management Referral for Action

The purpose of this memo is to provide response to Internal Affairs Division Incident Report #20208049 DEVLIN, Bradford L., received by the Seattle Field Division on 6 January 2020.

Upon receipt of the referral, Special Agent in Charge (SAC) Seattle Field Division reviewed the facts associated with the incident report. On 21 November 2019, Special Agent Bradford Devlin sent an email (attached) to an unknown/undisclosed number of persons. Upon reviewing the email, in my role as SAC Seattle Field Division, I immediately contacted Special Agent Devlin by telephone and verbally counseled him regarding the email.

Subsequently, concerns were raised to me by ATF's Office of Chief Counsel that Special Agent Devlin's email may be construed as misconduct IAW ATF O 2130.3A, Harassment in the Workplace. Given ATF O 2130.3A requires that all potential allegations of harassment be referred to IAD, I contacted Internal Affairs on 2 December 2019 and requested a review for potential misconduct be conducted.

On 6 January 2020, Incident Report #20208049 was returned for action IAW ATF O 8610.1C, Paragraph 27, Management Referrals.

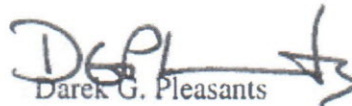
Based upon the totality of the circumstances, SAC Seattle has determined that counseling conducted with SA Devlin on 21 November 2019 was the appropriate corrective action and further discipline was not warranted.

-2-

Special Agent in Charge  
Internal Affairs

Seattle Field Division anticipates no further action on this matter.

Special Agent Bradford L. Devlin retired from ATF officially on 31 December 2019.

  
Darek G. Pleasants

Enclosures

cc: DAD-West